SHAYKH MUHAMMAD AFIFI AL-AKITI

MOONSIGHTING AND ASTRONOMY

مطلع البدور ومجمع الصدور
في التوافق بين الفقه والفلك
وتظاهر الحساب والرؤية

[*Maṭlaʿ al-Budūr wa-Majmaʿ al-Ṣudūr*
fī l-Tawāfuq bayn al-Fiqh wa l-Falak
wa-Taẓāhur al-Ḥisāb wa l-Ruʾya]

A FATWA ON THE MOONSIGHTING CONTROVERSY
ENTITLED

MOONRISES AND THE MEETING OF HEARTS

CONCERNING THE HARMONY BETWEEN
ISLAMIC JURISPRUDENCE AND ASTRONOMY
AND THE CORRELATION OF
COMPUTATION AND SIGHTING

INTRODUCTION BY
DR. USAMA HASAN

This work by Shaykh Muhammad Afifi al-Akiti, entitled *Moonrises and the Meeting of Hearts*, is the definitive reply on the seemingly absurd moonsighting controversy, which for many years has been a deplorable cause of discord and frustration for Muslims living in the West.

In this short, clinical examination on the question of moonsighting, Shaykh Afifi, who is firmly grounded in both the jurisprudential principles of Islamic Law and the astronomical sciences, elucidates the essential harmony between intellect and scripture, reason and revelation, science and Sacred Law, Islamic jurisprudence and modern astronomy. Although written in a technical style peculiar to scholars of Islamic Law, the key conclusions will be appreciated by laymen and scientists alike. They clarify such important issues as the validity of using precise astronomical data to reject false and impossible "sightings" of the crescent moon; the precedence of sightings east of one's location over those to the west; the significance of local unity in following one's local mosque or community; and the complementarity between Islamic Law and astronomy.

This work will lead to an awareness of the subject of moonsighting and will facilitate an enlightened discussion within the Muslim community that may finally resolve this "surprisingly contentious issue."

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Moonsighting and Astronomy

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concerning the Harmony between
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fī al-tawāfuq bayn al-fiqh wa l-falak
wa-taẓāhur al-ḥisāb wa l-ruʾya]

Introduction by Dr. Usama Hasan

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INTRODUCTION

to

the definitive reply regarding the moonsighting controversy,
the Fatwā of Shaykh Muhammad Afifi al-Akiti
entitled *Maṭlaʿ al-Budūr*

by

Dr. Usama Hasan
[Senior Lecturer in Computing Science, Middlesex University
Planetarium Lecturer, Royal Observatory Greenwich
Imām and *Khatīb*, Al-Tawhīd Mosque, London]

بسم الله الرحمن الرحيم

With the Name of Allāh, All-Merciful, Most Merciful.

﴿ الشَّمْسُ وٱلْقَمَرُ بِحُسْبَانٍ ﴾

{*The sun and the moon follow courses (exactly) computed.*}[1]

IT IS A SYMPTOM of the many diseases that riddle the Muslim community that we are currently unable to agree on a consistent method for determining the dates of the two *ʿĪds*, Ramaḍān and the other lunar *hijrī* months. The nation that produced, over the last millennium, great luminaries of science such as al-Bīrūnī, Ibn al-Shāṭir and al-Battānī, is today deeply divided over its sacred lunar calendar, despite the fact that we now know exactly where the moon is and, to a very high and increasingly-accurate extent, exactly when the new crescent will first be visible from different parts of the earth.

[1] *Sūra al-Raḥmān*, 55:5.

Furthermore, despite our immense scholarly tradition manifested by al-Ghazālī, Ibn Taymiyya, Ibn Rushd and al-Shāṭibī, of reconciling *ʿaql* (the intellect) with *naql* (transmitted texts); reason with revelation; science with *sharīʿa*; or, as Shaykh al-Akiti puts it, *fiqh* with *falak*; despite all this, our *fuqahā'* and our scientists are rarely able to understand each others' disciplines and therefore to produce a solution to this critical problem. Nevertheless, knowledge of the natural world and its astronomical cycles, as well as knowledge of the dictates and spirit of the Sacred Law, all ultimately come from God, so we remain hopeful of a synthesis achieved by people of science and people of faith in order to address this issue as well as many others facing a world increasingly-shaped by science and technology.

It is my great honour to introduce this short but clinical treatise on the issue of moonsighting by our esteemed Shaykh Muhammad Afifi al-Akiti. The Shaykh was trained in Indonesia and Malaysia and is therefore firmly-rooted in the *uṣūl* of the Shāfiʿī *madhhab* (school of law) as well as in the astronomical sciences, both theoretical and practical, being an expert in determining sunrise, sunset, moonrise, moonset and other phenomena with the aide of instruments such as quadrants and astrolabes.

Although much of the treatise is in technical language familiar to students of *fiqh* and *uṣūl*, the key conclusions will be welcomed by the layman and the scientist, being in harmony with common sense and scientific fact. These include:

1. The validity of using precise astronomical computation (*ḥisāb qaṭʿī*) to reject false and impossible "sightings" of the crescent moon. This continues the position of many great *ʿulamā'* of the past and present, including Imām al-Subkī and the late Shaykh Ibn ʿUthaymīn of Saudi Arabia; the latter ruled quite sensibly that such false testimony was to be rejected immediately since

it would be like witnessing that one saw "a baby before it was born, or saw the sun before dawn."

2. The precedence of sighting to the east of one's location over one to the west. This is confirmation from our traditional *fiqh* of the common-sense, scientific rule known to Muslim astronomers, "When the crescent moon is visible somewhere on earth, it must be visible at all points west of it with a clear horizon."[2] This rule categorically excludes the common case of claimed sightings of the crescent moon in the Middle East, when it is invisible in clear skies at the same latitude in North America many hours later.

3. The importance of local unity, so that one follows one's local mosque or community, even if the decision seems to be wrong. Simultaneously however, local and national bodies, especially in the UK where we have no unified dates for Ramaḍān and the two *ʿĪds*, must be urged to strive for correct answers rooted in the theory and practice of Islamic law and science.

4. The unity of *fiqh* (Islamic law) and *falak* (astronomy) – this is related to the unity of knowledge, of religion and science, of faith and reason, since the ultimate source of all these matters is the One.

It is thus hoped that the treatise will contribute to an enlightened debate amongst the Muslim community that ultimately results in the resolution of this "surprisingly contentious issue".[3]

[2] Dr. Khalid Shaukat (USA), http://www.moonsighting.com .

[3] The words of Dr. Robert Massey, astronomer at the Royal Observatory, Greenwich. The divisions amongst the Muslim community in the UK over the dates of Ramaḍān and the two *ʿĪds* often make it the laughing-stock of the scientifically-literate host community.

We ask Allāh, Mighty and Majestic, to accept this work from our esteemed Shaykh and to bless us all with faith, understanding and unity. May Peace and Blessings be upon our beloved messenger Muḥammad and his family and companions. All Praise be to Allāh, Lord of the Worlds.

Usama Hasan
London
9th March 2006/8th Safar 1426

MOONSIGHTING WITH A TEACHER [4]

A poem
by
Imran Saithna

Wise words permeate the air,
A blessed gathering of wisdom shared.

We all watch, wait and listen,
Slowly the sun begins its divine descent.

Dipping below the clouds,
It leaves behind it a luminous trail.

Patiently we wait together,
Seeking only a fleeting glimpse.

The sun has set now,
And the night draws cold upon us.

The time has passed,
And yet the moon remains hidden.

Together we stand in prayer,
In submission to our Gracious Lord.

[4] The poem was composed immediately after a moonsighting event with Shaykh Muhammad Afifi al-Akiti. For photos of the event, see *Reviving a Sunnah – Sighting the Ramadan Crescent on Primrose Hill of London, 4 October 2005* at:
http://www-us.flickr.com/photos/ghettop/49696494/in/set-1214195/ .

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Moonrises and the Meeting of Hearts
concerning the Harmony
between Islamic Jurisprudence and Astronomy
and the Correlation of Computation and Sighting

A Fatwā on the Moonsighting Controversy
according to the *Madhhab* of Imām al-Shāfiʿī

by

Shaykh Muhammad Afifi al-Akiti

THE ORIGINAL QUESTION

We are, here in Cambridge, celebrating *ʿĪd* tomorrow (Thursday), [20 January 2005; *i.e.*, a day earlier than what is physically possible], following, somewhat blindly perhaps, the Saudi *volte-face* [as a few days after their announcing the 1st of Dhū l-Ḥijja in Saudi Arabia to be Wednesday, 12 January 2005 (therefore, *ʿĪd al-Aḍḥā*, or 10th of Dhū l-Ḥijja, would have been on Friday, 21 January 2005), they suddenly changed their earlier decision and announced that the 10th of Dhū l-Ḥijja would instead fall on Thursday, 20 January 2005].[5] It does admittedly bother me that we are accepting the testimony of sighting when all experience, and all experts too, tell us that such a sighting is impossible (I have looked at www.moonsighting.com and www.icoproject.org for verification, and they are unequivocal about the rejection of the report).[6] Can you inform me about the shariatic position of such testimony – is it indeed regarded as void?

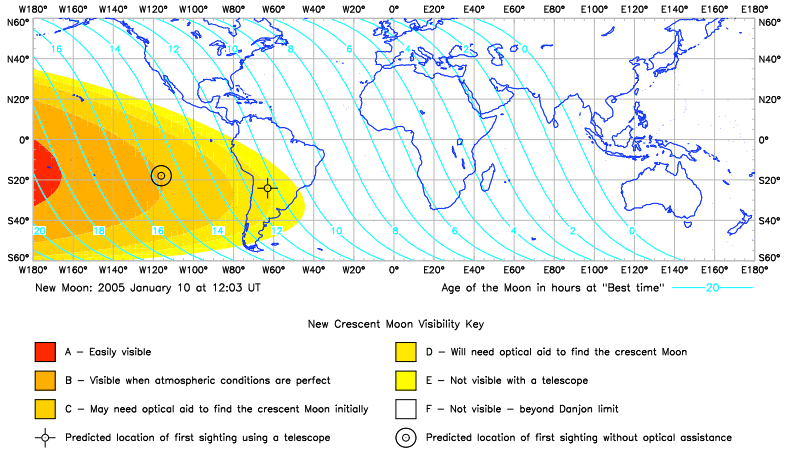
Another *fiqh*-related issue is of course also how far one can deviate from one's local horizon. I have read recently that while one (Shafiʿi) opinion is for a horizon to be confined to a north-south stretch of maximum 81 km, even proponents of *ittihad al-matali*ʿ never imagined 'globally' valid sightings but only trans-local to varying degrees. Moreover, I read yesterday in *Bidayat al-Mujtahid* that there was, in the school of Imām Mālik, reservations against following the Ḥijāz from al-Andalus, although other positions are recorded as well. I will be most pleased if you could throw light on this. The problem, it seems to me, is confounded by the fact that if one goes strictly by local/national horizon, countries like Germany would rarely experience the crescent sighting until the third *maghrib* after conjunction [owing

[5] On this, see for example: http://www.moonsighting.com/1425zhj.html or http://www.icoproject.org/icop/hej25.html .

[6] See, for instance, the moon maps below, p.17-19.

to its northerly latitude and frequently cloudy skies]. In other words, if Germany (and northern Britain) is to rely on their own horizon and deviate only to the maximum extent of the distance between al-Madina and Damascus (in fulfillment of the famous narration), then *ʿĪd* there will be on Saturday [22 January 2005]. Yet, they are celebrating on Thursday. While this deviation from the traditional matrix does bother me (for in effect we are relying on conjunction rather than visibility in great parts of the Saudi-influenced world), I am also mindful of the hadith which says, "My community shall never agree upon an error. If you see dis–agreements, then follow the greater group!" As far as I recall, this ḥadīth is supposedly sound in no less than six chains. The question is whether insisting on visibility breaks with the 'greater group' and whether silence therefore is best. Please do advise me on all this.

Visibility of the New Crescent Moon on 2005 January 10


W180° W160° W140° W120° W100° W80° W60° W40° W20° 0° E20° E40° E60° E80° E100° E120° E140° E160° E180°
N60°
N40°
N20°
0°
S20°
S40°
S60°
New Moon: 2005 January 10 at 12:03 UT
Age of the Moon in hours at "Best time"
20
New Crescent Moon Visibility Key
A – Easily visible
B – Visible when atmospheric conditions are perfect
C – May need optical aid to find the crescent Moon initially
D – Will need optical aid to find the crescent Moon
E – Not visible with a telescope
F – Not visible – beyond Danjon limit
Predicted location of first sighting using a telescope
Predicted location of first sighting without optical assistance

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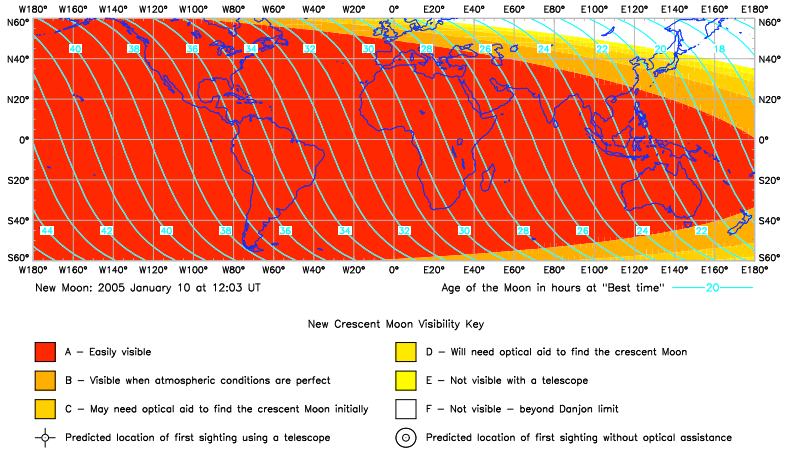
A typical computer-graphics diagram showing the global visibility map of the (in this case, Dhū l-Ḥijja) *hilāl* for the 10th of January, 2005. The shaded areas indicate the physical locations of the moon's shadow on that date and show precisely where the moon can be seen from the earth, either with the naked eye (the minimum threshold required by our *fiqh*) or telescopically. The unshaded areas indicate regions from which the moon cannot be seen. The map clearly shows that the crescent cannot be physically sighted in the Middle East nor in the UK that evening.

Visibility of the New Crescent Moon on 2005 January 11


W180° W160° W140° W120° W100° W80° W60° W40° W20° 0° E20° E40° E60° E80° E100° E120° E140° E160° E180°
N60°
N40°
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S20°
S40°
S60°
New Moon: 2005 January 10 at 12:03 UT
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Predicted location of first sighting using a telescope
Predicted location of first sighting without optical assistance

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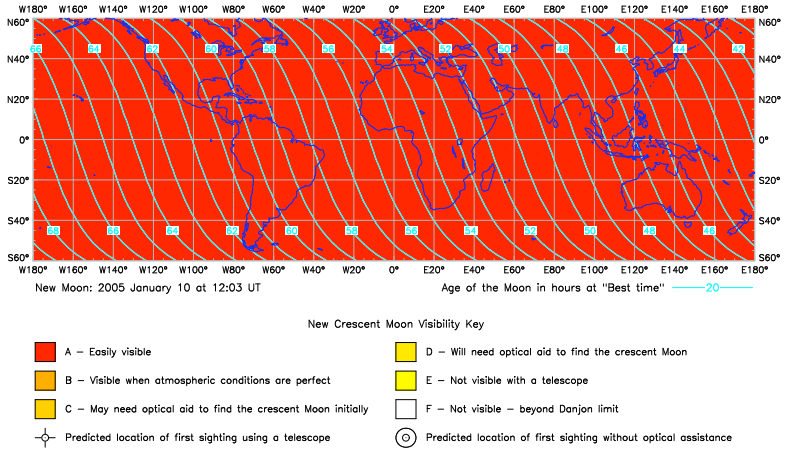
The second map is for the 11th of January and exhibits more shaded regions than the first one. Consequently, a larger fraction of the surface of the earth will be able to observe the Dhū l-Ḥijja moon. This map shows that the crescent is sightable in the Middle East but not in the UK, unless atmospheric conditions there are perfect. As it turns out, it was cloudy that evening in the UK (and although the religiously obligatory observations were attempted – even if they took up only a minute – the crescent was not sighted by the local population). Nevertheless, news of positive sightings east of the UK's longitude, from Southeast Asia to Morocco, were sufficient for the UK to establish the beginning of the next month [*thubūt al-hilāl*] on the following day, the 12th of January (instead of completing the previous lunar month on that day, which would have delayed the beginning of the Dhū l-Ḥijja for the UK until the 13th). This is following, by default, the principal rule in *fiqh* discussed in the Third Question below, on the precedence of a sighting in the East over the local position.

Visibility of the New Crescent Moon on 2005 January 12


W180° W160° W140° W120° W100° W80° W60° W40° W20° 0° E20° E40° E60° E80° E100° E120° E140° E160° E180°
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Predicted location of first sighting using a telescope
Predicted location of first sighting without optical assistance

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The third map is for the 12th of January and is totally shaded. By this time, all of the earth will be able to observe the Dhū l-Ḥijja moon with ease.

SHAYKH MUHAMMAD AFIFI AL-AKITI'S REPLY

بسم الله الرحمن الرحيم

الحمد لله الذي جعل الأهلةَ مواقيتَ للناس واجتمع النيرين علامةً لانقضاء الشهر وميقاتاً للعبادة برؤية الهلال في شريعة الأمر والصلاة والسلام على رسوله الذي جعله سراجاً منيراً ومن نوره مستنيراً وجعل آله وأصحابه نجوماً ولشياطينَ الإنس والجن رجوماً

أما بعد

Your letter raised a number of issues, so I have divided this *risāla* into four questions:

(1) the *fiqh* ruling of rejecting a testimony [*shahāda*] that contradicts unquestioned computation [*ḥisāb qaṭʿī*; *i.e.*, astronomical data];

(2) the maximum extent [*taḥdīd*] of the local sighting-zone [*maṭlaʿ maḥall al-ruʾya*] according to both *fiqh* [islamic jurisprudence] and *falak* [astronomy];

(3) the precedence of a sighting [*ruʾya*] in the East over the local sighting-zone;

(4) the meaning of having a 'universal' and united *ʿĪd*; and

an introduction [*muqaddima*].

I have called the treatise: "*Maṭlaʿ al-Budūr wa-Majmaʿ al-Ṣudūr fī al-Tawāfuq bayn al-Fiqh wa l-Falak wa-Taẓāhur al-Ḥisāb wa l-Ruʾya*" [Moonrises and the Meeting of Hearts concerning the Harmony between Islamic Jurisprudence and Astronomy and the Correlation of Computation and Sighting].

Allāhumma hidāyatan lil-ṣawāb!

To begin with, the *ḥukm* [legal ruling] for every Muslim to have knowledge of the local calendar (by knowing their respective sighting-zone or *maṭlaʿ*[(1)] with respect to the other *maṭāliʿ* so that he or she whether a resident or a traveller may know the calendar for the various *wājib* and/or communal *ʿibāda* that are to be performed throughout the year) is the same as the *ḥukm* of knowing the *qibla*, so that it is *farḍ ʿayn* for a traveller and *farḍ kifāya* for the resident;[7] while when resident in a given zone [*maḥall*], it is *farḍ ʿayn* when there are only a few who have this knowledge, and *farḍ kifāya*, when there are many who know.[8]

This is why in the Far East [*sharq aqṣā*], for example, even those who are not religious scholars are given the option of learning *falak sharʿī* [sacred astronomy] at schools or universities – as part of their communal duty; whereas it is expected for a religious student in a *madrasa* to be trained competently in the ancillary sciences of *mīqāt* [timekeeping], *nayrayn* [knowledge dealing with the movements of the two luminaries: the sun and the moon; although it deals chiefly with events caused by the latter], and ultimately, their mother science, *falak* [astronomy],

[7] al-Shabrāmallisī, 3:156, cf. *Iʿānat*, 2:220.

[8] al-Fādānī, *Mukhtaṣar*, 3.

[(1)] **Notes for students of *fiqh* and *falak*:** Technically, *maṭlaʿ* when found by itself in *fiqh* discussions concerning moonsighting refers to *maṭlaʿ maḥall al-ruʾya*, "sighting-zone of the area" (or equally acceptable, "sighting-zone of the region"). Thus *ittiḥād al-maṭlaʿ* means "the local sighting-zone" (or equally correct, "the same sighting-zone"); and *ikhtilāf al-maṭāliʿ* means "a different sighting-zone". Although *maṭlaʿ* literally means "starting point" or "a point of ascent for a celestial body" it is often used equivocally [*mushtāraka*] in *falakī* texts. A common usage of it, for example, is as the equivalent of the modern "right ascension" (RA). Other usages of *maṭlaʿ* there may include *maṭāliʿ falakiyya* [celestial ascension] (= *maṭāliʿ al-mamarr* [lit. transit ascension] or even *daraja al-mamarr* [lit. the degree of transit]), *maṭāliʿ al-naẓīr*, the equivalent to *nadir*, and *maṭāliʿ al-waqt* [time zones].

from which the times of the obligatory prayers, the *shurūq*, *ḍuḥā* and the *zawāl* [*taʿrīf al-awqāt*], the exact direction of the *qibla* [*simṭ al-qibla*], the visibility predictions for the beginning of every lunar month [*ḥukm imkān al-ruʾya*] (and not only the three months of Ramaḍān, Shawwāl and Dhū l-Ḥijja), and the occurrence of eclipses [*ʿamal al-khusūfayn*] (even if *makrūh* in our School) can be known positively, with *yaqīn* [certainty], and not simply based on judgement and/or estimation [*ẓann*] through *ijtihād* (the latter *maqām* is analogous to the conclusions reached without knowledge of *falak* and *mīqāt* such as the case oft-cited by our jurists of a prisoner in solitary confinement [*al-maḥbūs fī maḥall maẓlam*] estimating the relevant datum).

As the great contemporary jurist and astronomer, Imām al-Fādānī (may Allāh be pleased with him!), reminds his students, knowledge of these data is a result [*thamra*] of the science of *falak*, and they become in fact instruments [*ālāt*] of the Law (whether through the use of something physical, like the astrolabe [*asṭurlāb*], or an extension from the physical world, such as pure computation based on almanacs and observation). This is why, as he says, astronomical instruments have a basis in the *sharīʿa* and furthermore, they make precise and certain what the *Sharʿī* [Lawgiver] has made obligatory and become a means [*ṭarīq*] of the law without being an addition to it.

Because of the original ruling [*aṣl*] above concerning knowledge of the calendar, we find from the earliest times until now in every community or area or zone or region or country where Muslims have established themselves properly, an authority (literally, "*imām*", analogous to an Imām who leads the congregational [*jamāʿa*] prayer, who is responsible for the mistakes made and who acts as the guarantor for the followers; which in this case could be a committee or council claiming to be one) to which those living there could refer concerning the local calendar.

(To achieve this, they will have to organize and liaise with moonspotters [*nāẓir al-hilāl*]: in Morocco, for example, the traditional *muwaqqit* [timekeeper] in almost every town (and most *madrasāt*) still perform this solemn duty and report to the Chief *Qāḍī*; and in many Muslim countries, there has always been the fixed or tried and tested sites suitable for moonspotting, which sometimes include, observatories [*marṣad*] and where traditionally, families or young students would gather together to witness the beautiful creation of *hilāl*.)

So strong is this authority that if someone in a country like Malaysia decided to celebrate *ʿĪd al-Aḍḥā* on a day different from the calendar that was announced on the eve of Dhū l-Ḥijja by the local moonsighting committee (*i.e.*, the authority in this case), even if it be a day that coincides with the *ʿĪd* in Mecca, that person could be fined or even jailed (according to Section 9, of the Johor *Sharīʿa* Criminal Act, 1997, for example). This action is indeed sanctioned by our Sacred Law and is the right of the temporal ruler [*imām* or *amīr*], since the purpose of it is to ensure Muslims living in the same area or the local *maṭlaʿ* follow the same calendar, celebrate *ʿĪd* and fast uniformly. Without this uniform calendar for a given area, the society concerned would be adversely affected (it becomes worst in the sight of Allāh if the distance between two mosques that have different calendars is no more than the minimum distance of *qaṣr* [travelling, *i.e.*, approx. 96 km], as Muslims in the Far West [*bilād al-afranj*] should be able to empathize with fully). All of this is clearly encapsulated in the following general legal principle [*qāʿida*]:

تَصَرُّفُ ٱلإِمَامِ على ٱلرَّعِيَّةِ مَنُوطٌ بِالمَصْلَحَةِ

The decisions of the authority on behalf of the subjects are dependent upon the public interest.

This episode (of Muslims in the UK having to choose between two *ʿĪds*) shows that at the very least, as our *fiqh* references make clear, individual Muslims living in the Far West should be aware of their communal responsibilities (namely, regulating their own calendar is as vital and *wājib* as determining their *qibla*). And for the UK specifically, there must be a national authority to establish the calendar and whose decision the community there must follow for their own public interest (even if the community believes it to be the wrong decision); the decision cannot in the end be an impossible choice of giving the option to their community of choosing between two *ʿĪds*. If there were to be such an impossible choice, then their *raison d'être* [*sabab al-wujūd*] would no longer exist.

It is religious- as well as common-sense, and in fact it becomes a religious necessity [*ḍarūra*] that there should not be thousands of mosque committees throughout the country deciding the calendar by themselves (and consequently carrying the heavy burden of responsibility in the sight of Allāh and who in the Next World will have to answer for their decisions). It is only wise and safe for them instead to devolve this weighty decision to a nationwide authority, as is the case with all of the other well established Muslim societies and countries.

First Question:
The *Fiqh* Ruling of Rejecting a Testimony that Contradicts Unquestioned Computation

As for the First Question:

"It does admittedly bother me that we are accepting the testimony of sighting when all experience, and all experts too, tell us that such a sighting is impossible (I have looked at www.moonsighting.com and www.icoproject.org for verification, and they are unequivocal about the rejection of the report). Can you inform me about the shariatic position of such testimony – is it indeed regarded as void?"

Our reply is:

Yes, the *shahāda* could be invalidated by the authority. In this case, the trained *ḥākim* or *qāḍī* who in the process of declaring or establishing the crescent [*thubūt al-hilāl*] on the night of sighting has the right to reject the testimony after cross-examining the witness. In our *fiqh* texts, for example, in the *Fatḥ al-Muʿīn*,[9] this appears simply as "*bayna yadayhi l-qāḍī*" or "*ʿinda l-qāḍī*" – and the *qāḍī* must strive to judge by the standards of what is *yaqīn* (*i.e.*, from facts) and not at the level of *ẓann*, as the *faqīh*-and-*falakī*, Qāḍī al-Batāwī (may Allāh be pleased with him!), concludes that the authority must examine two things: (1) the witness [*i.e.*, *unẓur ilā man qāl*] and (2) the testimony [*i.e.*, *unẓur ilā maqāl*]:

> The judge must be cautious when he wants to declare the fast or the *ʿĪd*, and he may declare that (fast or *ʿĪd*) once the crescent passes (the local position) without there being any doubt or fraud, owing to its remoteness and the small size of its body. He must examine the witnesses and verify their credibility, being vigilant regarding them and clearing them of

[9] *Iʿānat*, 2:216.

suspicion and allegation (by making sure that their testimony is of a high standard; see the following). He must then examine the testimony which must be in agreement with the conditions already described (*i.e.*, that the testimony does not contradict certain physical facts, see below on *ḥisāb qaṭʿī*) and with the judgements of (definite and unquestioned) computation (*i.e.*, astronomical data) as to the possibility or impossibility of sighting it.[10]

Thus the authority has the right to reject a moonsighting testimony if it is discovered that the crescent was not 'positively' sighted, whether owing to a criminal case of perjury [*khabar al-kidhb*] or to a simple error of sighting something else [*khabar al-ghalaṭ*; for example: the evidence or report submitted by the witness [*rā'ī*] that the object sighted was in an impossible position – on the eastern horizon [*ufuq sharqī*], for instance – or sighted at the wrong time (for instance, after the moonset [*i.e.*, *makth al-hilāl fī l-ufūq baʿda l-ghurūb* or *qaws al-makth*; the lag time for the moon above the local horizon after sunset] plus *ghurūb* [sunset] is equal to moonset; or simply, in modern terminology: *ghurūb al-hilāl*)].(II)

[10] *Sullam*, 1:10.

(II) **Notes for students of *fiqh* and *uṣūl al-dīn*:** There is the principle of اَلنَّادِرُ كَالْمَعْدُوم Something that rarely happens is like a thing that has not happened or literally, "a rarity is like a non-existent". So, unless the number of witnesses of the extraordinary moonsighting report amount to *tawātur* (such as two million instead of only two persons) – in which case this would be a clear sign of the End of Days and would be a case of a disruption in natural laws [*inkhirām al-ʿāda*]; sighting the crescent on the western horizon [*ufuq gharbī*] or sighting it before it physically sets from the local horizon [*ufuq arḍī*] are cases of what jurists term 'proximate cause' [*ʿilla al-mulāzama*], such as the case of a well quoted physical truth: اَللَّيْلُ يَدْخُلُ فِي ٱلبلاَدِ ٱلشَّرْقِيَّةِ قَبْلُ Nightfall in the East is before [the West].

❋ الأرجوزة في قبول شهادة الرؤية عند القاضي احفظها ❋

An unworthy soul has composed the following *rajaz* verses for the one lost in blindly following someone else:

لاَ بُدَّ للإمَــامِ قَطْعَ ٱلرُّؤْيَةِ * أنْ يَتَحَــافَظَ لِرَفْعِ ٱلتُّهْمَةِ

اَلضَّابِطُ ٱلأَوَّلُ نَظْرُ مَنْ نَطَقْ * لاَ تَنْسَ بَعْدَهُ اعْتِبَارَ مَا وَفَقْ

The authority must, when declaring sighting,
take care so there is no finger-pointing.

The first rule is to look at the one speaking;
thereafter don't forget to check that it is fitting!

Among our jurists was Imām al-Subkī (may Allāh be pleased with him!), who was unequivocal when addressing a case where *fiqh* and *falak* appeared to be in conflict: "if one or two witnessed sighting the crescent, whereas the judgement of computation is that it is impossible to sight the crescent"; he says: "this testimony is not accepted, since astronomical computation [*ḥisāb*] is definite [*qaṭʿī*] [III] while testimony and report are probable [*ẓann*] and (there is the *fiqh* rule of):

[III] **Notes for Students of *Fiqh*:** What Imām al-Subkī (and Imām Ibn Ḥajar, Imām Ibn al-Qāsim al-ʿAbbādī, Imām al-Qalyūbī, the *Muḥaqqiq* al-Kurdī and other jurists, for example) means by unquestioned astronomical 'computation' [*ḥisāb qaṭʿī*], that which is strong enough to reject the testimony of a non-*tawātur* sighting (*i.e.*, an example of a primacy of *hisāb* over *ru'ya*), is what is known today as "astronomical/physical data", such as the times for moonset or the conjunction of the sun and moon [*ijtimāʿ al-nayrayn*; for non-astronomers: this is the time when the new moon is 'born'], which are a question of **fact** and not prediction. Conversely, in the case of prediction, there can be rare instances when the computation may not be definite, and indeed, even modern astronomers have not produced an infallible theory to predict the crescent's first actual visibility.

اَلظَّنُّ لاَ يُعَارِضُ ٱلقَطْعَ

The probable cannot contradict the definite.[11]

The most well known *Muḥaqqiq* of our School, Imām Ibn Ḥajar (may Allāh be pleased with him!) qualified and explained further the meaning of *ḥisāb* under discussion:

> If its specialists agreed that (for a given computation) its premises (*i.e.*, its equations, axioms and mathematical procedure – *i.e.*, the purely rational premises – and also, its long-term empirical data and observations [*arṣād wa-tajārib ṭawīla*] relied upon to reach the result of a given computation) are definite, and the reporters of that (computation) from them number in the *tawātur* (such that the sheer number of transmission is too many for the computation of the scientists/astronomers/mathematicians to be fabricated), then the testimony is rejected. If not, no.[12]

This is the position made strong by Imām Ibn Ḥajar that is accepted and practiced today by most of our jurists and communities, especially from the Far East to the Ḥadramawt to East Africa. Our teachers have confirmed that this is the *qawl muʿtamad* [relied-upon position] of the School, even when an occasion arises such that the authority might not reject a physically mistaken testimony but accept it instead (whether owing to an ill-trained *qāḍī* or not), and after the authority's decision is made public, that decision remains valid (even when those who know know it to be wrong), and the public must follow suit. (See the *Fā'ida* below.)

[11] al-Subkī, 1:226; cf. *Mughnī*, 2:143 and *Iʿānat*, 2:216.
[12] *Tuḥfat*, 4:508; cf. *Iʿānat*, 2:216.

(When Muslims were unsurpassed in the various sciences – secular and religious – medieval *muwaqqits* from among our jurists as well as astronomers [*ḥāsib* or *ahl al-falak*], who almost without exception had training in *fiqh* too, devoted considerable attention to this scientifically and physically complicated problem; and the average scholar could have easily predicted the visibility with reasonable precision using one or two traditional criteria of visibility [*shurūṭ al-ruʾya*], depending, for example, on its elevation or altitude [*irtifāʿuhu*], its age [*al-saʿat baʿda l-ijtimāʿ*], its lag time on the local horizon [*makhthuhu fī l-ufuq*] and the atmospheric condition [*ṣafāʾ al-jaww wa-kudūruhu*].)

That is why in our School, *ruʾya* is even now a religious duty [*taʿabbud*]: predictions alone are not sufficient to establish the beginning of the new month, and none of our jurists is known to have set such a precedent and sanctioned the use of a prediction against actual sighting. The *ʿilla* [legal basis] for this is as Qāḍī al-Batāwī explains:

> This is because sighting is an obvious matter [*amr ẓāhir*] which scholars as well as the public are capable of mastering (the ability to sight the crescent), as compared to computation (*i.e.*, meaning here, knowledge of *falak* or astronomy), which only the few will be capable of mastering. Whereas the Law-giver only commanded the people with what their masses can know.[13]

[13] *Sullam*, 1:11.

❋ Additional *Nukat* for *Fiqh* readers ❋

If in our *fiqh* literature we find passages to the effect of

لا عبرةَ بقول ٱلحساب

There is no value in the report of computation

(*i.e.*, an example of a primacy of *ru'ya* over *ḥisāb*), then it refers to the latter *ḥisāb*, that is to say, the predictions of sighting visibility, and not astronomical or physical data, *i.e.*, *ḥisāb qaṭʿī*. Those who insist upon reading the primacy-of-*ru'ya* passages in our *fiqh* manuals literally, believing in the absolute primacy of *ru'ya* over *ḥisāb* and maintaining that *falak* has no value whatsoever to facilitate *fiqh*, have unfortunately misunderstood their text and the context of those passages; that is a sign of immaturity and of not being able to live up to even the standards of the lexical [*lughawī*] meaning of *fiqh*: to have a profound and deep understanding [*al-fahm mā daqqa*]. Insight is required here for students of *fiqh*; and statements of this kind need to be qualified and understood, as wise jurists, such as Ibn Ḥajar above, have done, following the general *qāʿida* in *fiqh* of:

لاَ عِبْرَةَ بِالظَّنِّ ٱلْبَيِّنِ خَطَؤُهُ

There is no value in the judgement that is clearly mistaken.

From a *fiqh* perspective, therefore, it is vital to distinguish between the two kinds of *ḥisābs*:

(1) *ḥisāb qaṭʿī*, and
(2) *ḥisāb ẓannī*.

The former *hisāb*, *ḥisāb*-of-the-factual-kind (such as the astronomical data of sunset, moonset and conjunction), has been used – and continues to be used today by our religious scholars – as a

useful tool to facilitate the process of establishing a 'positive' *ru'ya*, with *yaqīn* (analogous to the legal ruling of using instruments in medieval times such as the computation using the trigonometrical (specifically, *Sine*) quadrant [*rub' mujayyab*] to fix the prayer times or to determine the exact direction of the *qibla*); whereas the latter – for example, computational predictions of visibility – can only be used to estimate, but not by itself, to establish the new lunar month, even when nine out of ten times they have been proved to be correct.

❋ *Mas'ala* ❋

If it is said:

"Are we allowed to use certain astronomical data as published by non-Muslims such as the Royal Greenwich Observatory or from an almanac published in the daily local newspaper as a guide to sight the moon?"

We say:

Allāh the Exalted says:

﴿ وَبِالنَّجْمِ هُمْ يَهْتَدُونَ ﴾

{*And by the stars they are guided.*}[14]

If our medieval scholars used the most accurate computational tools available to them such as ephemerides [*taqwīm*] and observation tables [*jadwal*] and knowledge of *nayrayn* to compute the times of the new moon or the moonset for a given day and considered them a blessing, even if from non-Muslims [*wa-law min kuffārin*], what about today's more exact tools?

[14] *Sūra al-Naḥl*, 16:16.

❋ Another *Mas'ala* ❋

If it is said:

"What about the Ḥadīth in relation to the lunar month which says: 'We are an unlettered community – we neither read nor calculate'?"

We say:

This is a famous Prophetic Ḥadīth which our jurists have already taken into consideration and is one of the legal proofs for the primacy of *ru'ya* over *ḥisāb* mentioned above; it establishes the *taʿabbud* status of going out to perform moonsighting. The meaning of this Ḥadīth makes it clear that *ḥisāb* on its own, against actual sighting, is not sufficient to establish the new month – even if the crescent is theoretically visible. Indeed, this Ḥadīth confirms what Qāḍī al-Batāwī and other jurists have said that the matter of *ru'ya* is easier for the *umma* than *ḥisāb*, and *ru'ya* is what is prescribed. Yet, as Ibn Ḥajar and others who have found the middle way in reconciling the religious duties of this *mas'ala* and the scientific facts that govern it have understood, this Ḥadīth is too general to be used to deny the primacy of *ḥisāb* over *ru'ya* in specific cases, such as when precise data like the times for sunset and moonset contradict isolated observations – cases of claimed sightings in the East when the crescent is invisible hours later in clear skies to the West.

❁ A *Fā'id*a ❁

Once a testimony is made (and the testimony accepted by the relevant authority), which must be made at latest by the time of *ʿishā'* of the first eve of the night in question [*waqt al-ʿishā' fī laylat al-ru'ya*], or once the authority declares the calendar [*baʿda shurūʿihim*] (whether by deciding to complete the previous lunar

month or establish the new one through local witnesses or otherwise), even if the public have not yet begun to act upon the decision of the authority (such as in the case of the Ramaḍān fast: they have not begun the fast), then, even if the original witness were to withdraw his testimony (because he thought, for example, that he was mistaken), everyone concerned (the public as well as the authority) must [*wājib*] continue to act upon the original decision (so that in the case of Ramaḍān, it is obligatory to perform the fast), even if the mistake becomes obvious to all.[15] The point of this *fiqh* rule is that once the authority has decided the date for the next day (rightly or wrongly), there can be no turning back according to the *sharīʿa*, and this is in order to uphold the public and communal interest [*maṣlaḥat al-ʿāmma*] as exemplified by the following two legal principles of:

دَرْءُ ٱلْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ ٱلْمَصَالِحِ

Preventing harm takes precedence over any benefits.

And:

اَلْخَيْرُ ٱلْمُتَعَدِّى أَفْضَلُ مِنَ ٱللاَّزِمِ

The good of the many outweighs the good of the one.

The authority must therefore do its best to ensure that its one and only decision that evening is correct, since legally, albeit as *imāms*, they have no right [*ḥaqq*] to change the decision after the first evening of any lunar month. This is based on the general *qāʿida*:

الاجْتِهَادُ لاَ يُنْقَضُ بِالاجْتِهَادِ

An *ijtihād* may not be overruled by another *ijtihād*.

[15] *Nihāyat al-Zayn*, 185.

And specifically, its derivative principle:

لاَ يَجُوْزُ نَقْضُ حُكْمِ ٱلْحَاكِمِ بَعْدَ ٱلْحُكْمِ

> To nullify the decision of the authority, after a decision, is not allowed.

❁ Another *Fā'ida* ❁

If the testimony of a witness is rejected by the authority (for whatever reason, even if the witness was in actual fact correct – whether because the witness had a criminal record [*fāsiq* or *ghayr ʿadl wa-law ʿadluhu mastūran*], or his testimony was invalidated by the authority because his sighting was thought to be mistaken), then only in the case of the Ramaḍān fast (but not for the two *ʿĪds*), if the original witness still believes that the next day is Ramaḍān, he alone – and no on else in his community except those who are convinced by him – may [*jā'iz*] fast.[16] This is because of the principle:

اَلذِّمَّةُ إِذَا عُمِّرَتْ بِيَقِينٍ تَبْرَأُ إِلاَّ بِيَقِينٍ

> Once the obligation is based on certainty it can only be discharged by certainty.

This rule applies to anyone who knows that the next day is Ramaḍān, including those possessing extraordinary eyesight [*ḥadīd al-baṣar*] or utilizing optical aids [*ru'yatuhu fī l-mir'at*] or blessed with an inspiration [*ilhām*] or having astronomical knowledge such that they are able to use predictions of visibility [*ḥisāb ẓannī*], even if the authority's decision is otherwise. All of this is an analogy to the case of a person who with a true dream of the

[16] *Nihāyat al-Zayn*, 184.

Messenger himself (may Allāh's blessings and peace be upon him!) says that "tomorrow is Ramaḍān". Even this knowledge is not sufficient to establish the new month, because, as Imām Ibn Ḥajar explains, "of its being far off from the standard of witnessing (the actual crescent), not because of there being any doubt in the dream (or computation and so forth).[17] This is the legal background as to why we find in our books of *fiqh* (such as in the *Fatḥ al-Muʿīn*, the *Iqnāʿ* or the *Safīnat al-Najā*) that testimonies in the vein of

أَشْهَدُ أَنَّ غَداً مِنْ رَمَضَانَ

I testify that tomorrow is Ramaḍān

are inadequate by themselves to establish the new month when compared to:

أَشْهَدُ أَنِّي رَأَيْتُ ٱلْهِلاَلَ

I testify that I have witnessed the crescent.

❋ *Mas'ala* ❋

If someone said:

"Is it permissible to change or confirm the dates of a month, such as Dhū l-Ḥijja, by looking at the moon three or five days after the month has been declared by the authorities, such as by using Bedouins who have knowledge of the names for the moon at different stages of the month?"

We say:

There are no double standards by which the month of Dhū l-Hijja or Ramaḍān, or any other lunar month, is singled out for special

[17] *Tuḥfat*, 4:493.

treatment in the *thubūt al-hilāl*. It should be clear from the rules and wisdom above governing the *shurūʿ al-imām* that it would not be permissible (and indeed would be legally unprecedented) for the authorities to change the dates in the course of the month based on knowledge of the 28 lunar mansions [*manāzil*] and the lunar phases – even if the experienced moonwatcher is correct. The window for the *thubūt al-hilāl* process, mandated only to the authority for a given area, is limited to the night in question, the *laylat al-ruʾya*, and does not extend beyond that night – for obvious reasons. This is akin to allowing changes to the date three or five days into Ramaḍān after its beginning was publicly declared. This case is similar to that of the scientist who has knowledge of the astronomically correct date in the face of an inaccurate decision gazetted by the authorities. Ironically, it is well known among scholars that the use of knowledge of the *manāzil* to establish the month is analogous to the reliance on *ḥisāb*.

☽ *Khātima* ☾

In the end, as our medieval scholars viewed the universe, both scientific facts [*ʿaql*] and scriptural demands [*naql*] support each other, since all true knowledge comes from God, and all true knowledge leads to Him; so for instance, Imām al-Rāghib al-Iṣfahānī and the *Ḥujjat al-Islām*, al-Ghazālī (may Allāh be pleased with both of them!) were able to say:

اَلْعَقْلُ كَالأُسِّ وَٱلشَّرْعُ كالْبِنَاءِ

Reason resembles the base while the Sacred Law is the building.

And just because a *qāḍī* can reject a testimony that is found to be in contradiction with physical truths, it does not mean in this

case that ʿ*aql*-as-represented-by-*ḥisāb* has won over *naql*-characterized-by-*ruʾya*, nor is it at all a question of that kind. Indeed, as Imām al-Subkī himself, the champion of the complementarity between *falak* and *fiqh*, describes the condition [*sharṭ*] for a valid testimony of moonsighting, it should be:

> Physically [*ḥissan*], rationally [ʿ*aqlan*] and legally [*sharʿan*] possible.[18]

Therefore we can sum up a point of law tersely in the following *ḍābiṭ* or restricted principle for this *masʾala*:

لاَ يُقْبَلُ ٱلحِسَابُ ٱلقَطْعِيُّ إلاَّ فِي رَدِّ ٱلشَّهَادَةِ ٱلظَّنِّيَّةِ لاَ فِي تَثْبِيتِ ٱلهِلاَلِ

> Unquestioned astronomical data can only be admitted to reject a probable testimony but not to establish the crescent.

[18] Al-Subkī, 1:226.

Second Question:
The Maximum Extent of the Local Sighting-Zone according to both *Fiqh* and *Falak*

As for the Second Question:

"I have read recently that one (Shafiʿi) opinion is for a horizon to be confined to a north-south stretch of maximum 81 km [*i.e.*, the distance of *qaṣr* or travelling]."

Our reply is:

This is definitely not the *qawl muʿtamad* in our School concerning the maximum extent [*taḥdīd*] of the *maṭlaʿ* or sighting-zone. Instead, as Imām Nawawī al-Jāwī makes clear:

> The reference of it is to the position's longitude [*ṭūl*] and its latitude [*ʿarḍ*], whether the distance is near or far; pay no attention to whether it is the distance of travelling or not.[19]

The reliable position and the *qawl ṣaḥīḥ* [correct position] is farther than the distance of *qaṣr*, in that another area will be considered local when it has 'the same' rise and set times of celestial bodies (the stars and constellations including, minimally, our sun) when compared to the rising and setting times in the reference town. That is to say, the *ḍābiṭ* is:

غُرُوبُ الشَّمْسِ وطُلُوعُهَا فِي ٱلْمَحَلَّيْنِ فِي وَقْتٍ وَاحِدٍ

> The two positions have "the same" rising and setting times of the sun;[20]

[19] *Nihāyat al-Zayn*, 185.
[20] Ibid., 184.

"the same" means to a fixed degree of deviation, and in this, there is room for minor variances amongst our jurists.[IV]

The efforts and results of some of these authors – all of them distinguished Shāfiʿī jurists – are listed below in reverse chronological order:

1. The polymath of our time, Imām al-Fādānī: if the crescent has been sighted at a position West (but not East) of the local one, it is inevitable that it would have been sighted in the local position, as long as the deviation between the two positions does not exceed eight degrees.[21] This, and the rest of the section mean, a sighting to the east is immediately admitted, but to the west only at eight (to six) degrees of deviation is accepted.

2. Qāḍī al-Batāwī: if the deviation is six degrees or more, then the two zones are considered different:

   > The meaning of 'difference in sighting-zones' [*ikhtilāf al-maṭāliʿ*] mentioned in the chapter of fasting (in the books

[21] *Sharḥ al-Thamra*, 63. As for the figures in degrees, it is understood that the deviation calculated through them refers to a non-Easterly position from the local one as Imām al-Fādānī makes clear; and this is evident because of the physical fact, "nightfall is earlier in the East": this 'proximate cause' is the same basis for the famous rule of Imām al-Subkī invoked in the Third Question below on the precedence of a sighting in the East over the local position.

[IV] **Notes for Students of *Fiqh* and *Falak*:** Throughout our long history, Shāfiʿī jurists who possess knowledge of astronomy have come up with various figures for the extent of the *maṭlaʿ* (all of them were in fact qualifying or specifying the legal meaning of "*fī waqt wāḥid*" above). These *fuqahā'* have used their specialist knowledge in astronomy and planetary models [*hay'a*] and trigonometry [*muthallathāt*] along with the *zījs*, ephemerides and observation tables available to them in their day to arrive at the various extents of the *maṭlaʿ*, because, as most of our early jurists had already realized, that which Imām al-Nawawī famously restated: "The consideration concerning the different [sighting-] zones comes practically to astronomical computation and the judgement of astronomers." (*Tuḥfat*, 4:506).

of *fiqh*), is the difference with regard to the positions of sighting (the crescent) so that (at the moment) when it is sighted in one of them, it cannot be sighted (yet) in the other. That (difference in sighting-zones) takes place only when the deviation [*tafāwut*] between the (two) positions is six or more degrees in the arcs of day and night;[22] (V)

3. The historian and *uṣūlī*, an expert in both of the scriptural and rational sciences – *al-Jāmiʿ bayna l-manqūl wa l-maʿqūl* – and author of works from mathematics to *fiqh*, Ḥabīb al-Shillī: eight degrees or less.[23]

4. The *Muftī* of Yemen of his time (*i.e.*, in the 16th century), Ḥabīb Bāmakhramah: if the deviation between the two positions is eight degrees or less, then the two are in the same sighting-zone; if it is more than this, even if for only some seasons of the year, then it is in a different sighting-zone or in an ambiguous one.[24]

5. The *mufassir* and *muḥaddith*, *uṣūlī* and mathematician, Imām Tāj al-Dīn al-Tibrīzī (a son of Azerbaijan, who lived thereafter in Baghdad and finally died in Cairo): the maximum distance [*musāfat al-baʿīd*] between two positions for it to be considered to be of the same sighting-zone should be more or less

[22] *Sullam,* 1:10. Note: this conservative calculation of six degrees by Qāḍī al-Batāwī, the teacher to Imām al-Fādānī above, is the *iḥtiyāṭ* [precautionary position] and not the minimum *fiqh* ruling.
[23] *Sharḥ al-Thamra*, 63.
[24] *Bughyat*, 109.
(V) **Notes for Students of *Falak*:** The classical explanation from *falak* of why there is the deviation in the arcs of day and night [*al-tafāwut min qaws al-layl wa l-nahār*] is: it is a result of the unequal length of night and day in the various areas by reason of the declination of the sun [*mayl al-shams*] from the equinoctial line [*dāʾira muʿaddal*] and the elevation [*irtifāʿ*] of the north pole above the horizon.

one and a half times the distance of travelling (*i.e.*, 24 *farsakh* [*i.e.*, 3 *marḥala*] (24 x 6 km = 144 km).[25]

❋ *Nukat* for Students of *Fiqh* ❋

The technical meaning in *fiqh* of 'the same/local sighting-zone' [*ittiḥād al-maṭlaʿ* or *balad muttaḥid maṭlaʿihi* or in older texts: *balad wāḥid* or *balad qarīb*; a nearby region] is

(A) with respect to latitudinal positions: areas sharing the same longitude, such as Greenland and Brazil. There is basically no fixed extent in this case, so that a sighting of the crescent in the south, for instance, will establish the new moon for the north; and

(B) with respect to longitudinal positions: areas having the same latitude, such as Mexico and the Middle East. In this, there is a fixed but minor Easterly to Westerly extent so that if a Western region further than the fixed extent sighted the crescent, the new moon is not considered sighted in the Eastern region, because they are in different sighting-zones (*i.e.*, *ikhtilāf al-maṭāliʿ* or *balad baʿīd*; a distant region).

Among the legal bases [*adilla*] used by our School for defining the different sighting-zones (*i.e.*, type B above), where each *maṭlaʿ* has a fixed East-to-West extent, are:

(1) scriptural texts associating the start and end of the obligatory *ʿibāda* by cycles of the moon that sanction the different times (such as *al-Baqara*, 2:189 and the Ḥadīth of Kurayb below);

[25] *Iʿānat*, 2:219. Note: according to Imām al-Qalyūbī, this is a weak position that cannot be adopted just like the other older rejected position that the maximum extent of the *maṭlaʿ* is the distance of *qaṣr* (al-Qalyūbī, *Ḥāshiyatān*, 2:64).

(2) the general consensus [*ijmāʿ*] (as reported by Ibn ʿAbd al-Barr and others) that a sighting in a given area does not necessarily establish the sighting for all areas;

(3) analogy [*qiyās*] to the *ṣalāt* of which the ʿ*illa* [basis] is the prayer times [*mawāqit*] which is based also, like the different moon-zones, different sun-zones [*ilktilāf maṭāliʿ al-shams*] because of the physical differences in the solar cycles; and

(4) rational arguments [*dalīl ʿaqlī*] such that the waning and waxing of the crescent is physically different in the regions moving from East to West.

❁ A *Fā'id*a ❁

The *mawāqit* connected to the crescents [*ahilla*] (as opposed to the *mawāqit* of the sun) are (these involve the Five Sacred Rulings, so know their times throughout all the months of the year and not only the three of them, so you may be rightly guided):

Ṣalāt al-Īd; the fast of Ramaḍān; *zakāt al-fiṭr*; the fast on 'bright' days; the fast of ʿ*Āshūrā*' and various other recommended fasts connected to a date; the offensiveness of fasting after the middle of Shaʿbān; the Six Fasts of Shawwāl; the various *duʿās* connected to a specific date throughout the year; the *zakāt*; knowledge of the ages of the *shāt*, cattle and camels; the vowed *iʿtikāf*; the fast of the "ten" days of Dhū l-Ḥijja; the *ḥajj*; the *wuqūf* of ʿ*Arafa*; the fast of ʿ*Arafa*; the ʿ*Īd al-Aḍḥā* sacrifices; the ʿ*aqīqa*; the *hady* [sacrificial act during *ḥajj* as expiation]; the *ājāl* [deferred time for a loan]; the *salām* [forward-buying contract]; the *bulūgh* [onset of puberty upon reaching 15 years old]; the *musāqa* [crop-sharing contract]; the *ijāra* [hiring things]; the *luqṭa* [lost and found articles]; the *ajal al-ʿunna* [probationary term for impotence]; the

īlāʾ [forswearing sexual intercourse]; the fast-expiations [*kaffāra bi l-ṣawm*] for *wiqāʿ* [sexual intercourse during Ramaḍān], *ẓihār* [injurious comparisons] and *qatl* [murder]; the *ʿidda* [post-marital waiting period] for a *mutawaffā* [deceased husband]; *āyisa* [menopausal] and *istibrāʾ* [absolution after the menstrual intervals]; the *riḍāʿ* [suckling]; the *kiswat al-zawja* [clothing support for the wife]; and the *diyāt* [various indemnities]; and others like it.

Third Question:
The Precedence of a Sighting in the East over the Local Sighting-Zone

As for the Third Question:

"*The problem, it seems to me, is confounded by the fact that if one goes strictly by local/national horizon, countries like Germany would rarely experience the crescent sighting until the third maghrib after conjunction. In other words, if Germany (and northern Britain) is to rely on their own horizon and deviate only to the maximum extent of the distance between al-Madina and Damascus (in fulfillment of the famous narration), then ʿĪd there will be on Saturday* (instead of Friday or Thursday)."

Our reply is:

No, following the 'traditional matrix' would not result in having ʿ*Īd* on Saturday in this case. This is because there is a restricted principle expressed famously by Imām al-Subkī (and others, such as Imāms al-Isnawī and al-Ramlī – may Allāh be pleased with them!) which overrides the ʿ*arḍī* [latitudinal] considerations (*i.e.*, type A above), namely (when it is possible to know that):

مَتَى حَصَلَتْ ٱلرُّؤْيَةُ فِي ٱلبَلَدِ ٱلشَّرْقِيِّ
لَزِمَ رُؤْيَتُهُ فِي ٱلبَلَدِ ٱلغَرْبِي دُونَ عَكْسَهُ

> Whenever the crescent is sighted (during the night in question) in the East, its sighting in the West follows, but not the other way round.[26]

In astronomical/*falakī* terms, this is the rule of

تقديمُ طُولِه على عَرْضِه في رؤية ٱلهلال

[26] *Nihāyat al-Zayn*, 185.

The longitudinal sighting takes precedence over the latitudinal one when spotting the crescent.

It is immediately understood from this *ḍābiṭ*, of course, that it applies even when the sighting is made in a different zone or when the local day is too cloudy [*wa-in ikhtalafat al-maṭāliʿ* a*w fī l-yawm al-ghaym*]. Indeed, our *fuqahāʾ* derived this rule precisely from the very Ḥadīth of Kurayb concerning Medina and Damascus which you appropriately brought out.

☾ *Tanbīh* ☽

The presentation of some primary texts [*dalīl*] below is not with the intention of satisfying the addictions of *ahl al-dalīl* but merely done to complete our discussion (may Allāh make our everyday concern to be His simple *ʿābidīn* and make us closer to Him!).

The Ḥadīth of Kurayb (may Allāh be well pleased with him)

رَأَيْتُ ٱلْهِلاَلَ بِالشَّامِ لَيْلَةَ ٱلْجُمعَةِ ثُمَّ قَدِمْتُ ٱلْمَدِينَةَ فِي آخِرِ ٱلشَّهْرِ فَسَأَلَنِي ٱبْنُ عبَّاسٍ رضي اللهُ عنهما مَتىَ رَأَيْتُمُ ٱلْهِلاَلَ فَقُلْتُ رَأَيْنَاهُ لَيْلَةَ ٱلْجُمعَةِ فَقَالَ أَنْتَ رَأَيْتَهُ فَقُلْتُ نَعَمْ وَرَآهُ ٱلنَّاسُ وَصَامُوا وَصَامَ مُعَاوِيَةُ فَقَالَ لكِنَّا رَأَيْنَاهُ لَيْلَةَ ٱلسَّبْتِ فَلاَ نَزَالُ نَصُومُ حَتَّى نُكْمِلَ ثَلاَثِينَ أَوْ نَرَاهُ فَقُلْتُ أَوَلاَ نَكْتَفِي بِرُؤْيَةِ معاوية وَصِيَامِهِ فَقَالَ لاَ هٰكَذَا أَمَرَنَا رَسُولُ اللهِ صلّى اللهُ عليه وسلَّمَ

I saw the crescent (of Ramaḍān) on Friday night while in Damascus. I arrived at Medina at the end of the month and Ibn ʿAbbās (may Allāh be well pleased with both of them!) asked me: "When did you see the crescent?" I said: "We saw it

on Friday night." He said: "Did you see it yourself?" I said: "Yes, and the people saw it, and they and Muʿāwiya fasted." He said: "But we saw the crescent on Saturday night. So we will not stop fasting until either we complete thirty (days) or we sight the crescent (of Shawwāl)." I said: "Is Muʿāwiya's sighting and fasting not sufficient for us?" He said: "No, this is how the Messenger of Allāh (may Allāh's blessings and peace be upon him!) ordered us."[27]

This famous Ḥadīth establishes beyond doubt, not only the precedence of a sighting in the East over the West, and not vice-versa, but also the unrealistic notion of a "universal *ʿĪd*" (see below, Question Four).

While in the following Ḥadīth of Ibn ʿUmar (may Allāh be pleased with them both!), our late scholars (like Imām al-Subkī) used its general meaning [*ʿāmm*] to include the absolute consideration of an Eastern sighting [*muʿallaq bi-muṭlaq al-ruʾya al-sharqiyya*] even if from a different region (but not in the West, of course, due to the specification of the meaning [*takhṣīṣ*] of the Ḥadīth of Kurayb above); and some early scholars (like the celebrated Ibn Surayj) understood the meaning of *"fa-qdurū la-hu"* [lit. 'to decide on it' or 'determine' or 'estimate'] from this Ḥadīth as the admissibility of *ḥisāb* as a useful tool for *ruʾya*:

لاَ تَصُومُوا حَتَّى تَرَوْا ٱلْهِلاَلَ وَلاَ تُفْطِرُوا حَتَّى تَرَوْهُ فَإِنْ أُغْمِيَ عَلَيْكُمْ فَاقْدُرُوا لَهُ

Do not begin your fast until you see the crescent (of Ramaḍān), and do not end your fast until you see it (*i.e.*, the crescent of Shawwāl); if it is cloudy, then *determine* it.[28]

[27] Related by Aḥmad, the Famous Five except al-Bukhārī, and by al-Dāraquṭnī and al-Bayhaqī, with variants.

[28] Related by Mālik, al-Shāfiʿī, al-Ṭayālisī, Ibn Abī Shayba, Aḥmad, al-Dārimī, the Famous Five except Ibn Mājah, and by Abū Yaʿlā, Ibn Khuzayma, Ibn Ḥibbān, al-Dāraquṭnī, al-

Thus, acting on this restricted principle: even if on Tuesday in Germany it were the *laylat al-thalāthīn* ("the eve of the 30th", *i.e.*, the 29th of Dhū l-Qaʿda: meaning the night when it is *wājib* to do *ruʾya*; and if the *hilāl* is sighted in Germany after *maghrib*, the next day will be the 1st of Dhū l-Ḥijja; and if it is not sighted we would expect the month of Dhū l-Qaʿda to be completed [*istikmāl*], so that the next day should be the 30th of Dhū l-Qaʿda), and it turned out that the moon was not sighted, nonetheless, the moon for the next month could still be established [*thubūt al-hilāl*] with the knowledge that the crescent was positively spotted to the East of Germany – even if with *ikhtilāf al-maṭāliʿ*, such as in Java. If this turns out to be the case (that the crescent was not sighted locally, even if cloudy, on the 29th day of the preceding lunar month but was sighted somewhere in the East), according to both *fiqh* and *falak*, the next day could **never** be the 30th of that lunar month.

❋ *Masʾala* ❋

If it is said:

"In the UK, one can never see the moon on the 29th of any month so if we were to follow our own calendar then each and every month would have 30 days. That means that at the end of the year we would be five to six days ahead of the rest of the world."

We say:

Knowledge of this simple rule in *fiqh* of the precedence of a sighting in the East over the local position will dispel that simplistic notion. Understand this so that you may be rightly guided.

Ḥākim, al-Bayhaqī, al-Daylamī, and al-Baghawī.

✯ *Waṣiyya* ✯

This exercise shows that simplistic notions, such as reducing this *mas'ala* into one of "local sighting" versus "global sighting", is as unhelpful and problematic as characterizing the *mas'ala* of the First Question as one of unspecified "calculation" versus just any "sighting". Some of us have begun to forget that our medieval communities and scholars, before the popularity of the magnetic compass, used a series of complex astronomical calculations to determine the exact direction of the *qibla*.

❋ الأرجوزة في مطلق الرؤية الشرقية احفظها ❋

For students of *fiqh* and persons in authority, the following verses in *rajaz* captures the *ḍābiṭ* above in its entirety; learn them so you may be guided in making the right decision!

إِنْ أُغْـمِـيَ ٱلْهِـلاَلُ فَـاقْدُرُوْهُ ❊ أَيْ إِنْ رُئِـي فِي ٱلشَّرْقِ فَاكْتَفَوْهُ

إِنْ حُصِّـلَـتْ رُؤْيَةُ فِي ٱلغَرْبِـيْ ❊ فَاسْتَكْمِلُـوا ٱلعِـدَّةَ لَاتَنْسَوْهُ

أَيْ لاَ تَصُوْمُوْا صَحْبِ بَدْءَ ٱلشَّهْرِ ❊ وَلاَ تُـفَـطِّرُوْا لِـتَـفْـعَلُـوْهُ

If the new crescent is obscured, then determine it!
That is, if sighted in the East, then it is sufficient for you.

If, on the other hand, the sighting happened in the West,
then complete the number. Don't forget this!

That is, do not begin your fast, my friends, to start the month;
and don't begin your feast (of ʿĪd)! You must do this!

Fourth Question:
The Meaning of Having a 'Universal' and United *ʿĪd*

As for the Fourth Question:

"While this deviation from the traditional matrix does bother me (for in effect we are relying on conjunction rather than visibility in great parts of the Saudi-influenced world), I am also mindful of the hadith which says, "My community shall never agree upon an error. If you see disagreements, then follow the greater group!" As far as I recall, this hadith is supposedly sound in no less than six chains. The question is whether insisting on visibility [I understand what you mean by "visibility" here as following the calendar of the local sighting-zone as opposed to following the calendar of Saudi Arabia, whether for *ʿĪd al-Aḍḥā* or *al-Fiṭr* or for the rest of the lunar months] *breaks with the 'greater group' and whether silence therefore is best. Please do advise me on all this."*

We say:

The answer is dependent on the status of your local authority (so that if you are in the UK, then the UK) whose function is to regulate the calendar. In the following cases, 'computation' strictly refers to *ḥisāb qaṭʿī*, and not visibility predictions – and a violation of that *ḥisāb qaṭʿī* means it is "physically impossible" – and they are for a town with only one mosque, such as in your case:

> *Ḥāl* A: If the authority makes a decision X not Y, and your mosque adopts Y, and if X is physically possible, then, whether you know this or not, you should not be silent but rather remind the people who run the mosque that they are neglecting their sacred communal responsibilities and are in fact undermining the authority that all Muslims in the country necessarily depend on, even though if you were to be

in that town you would follow the mosque. (In this case, the executive committee of the mosque will solely be responsible for breaking with the "greater group", for not devolving the weighty decision to the authority.)

Ḥāl B: If the authority makes a decision X not Y, and your mosque adopts Y, and if X is physically impossible, then, whether you know this or not, you should remind the mosque committee of their undermining the authority that all Muslims in the country necessarily depend on, even if you know that the mosque is correct and you will in the end follow the mosque; and if you know and you are able to, you can politely raise your concerns with the authority about their conduct. (In this case, the authority and the mosque will both be responsible for their decisions, the latter for defying the authority and the former for making the mistake in calling the wrong day.)

Ḥāl C: If the authority makes a decision X not Y, and your mosque adopts X, and if X is physically possible, then, whether you know this or not, you should be silent. (In this case, you will be responsible for breaking with the "greater group" if you adopt Y on your own.)

Ḥāl D: If the authority makes a decision X not Y, and your mosque adopts X, and if X is physically impossible, then, if you do not know this, you should be silent; if you know, you should be silent with respect to the mosque (and follow the mosque) and if you are able to, you may politely raise your concerns with the authority about their conduct. (In this case, only the authority will be responsible for their physically wrong decision.)

Ḥāl E: If the authority makes a decision X and Y,[VI] and your mosque adopts Y, and if Y is physically possible, which you know from unquestionable reports, then you should be silent with respect to the mosque (and follow the mosque) but you should remind the authority that they are undermining their own authority that all Muslims in the country necessarily depend on. (In this case, the authority has defeated its own purpose and failed to function as the imām because they have effectively handed over the burden of responsibility to the thousands of mosques in the country and will be ultimately responsible for fracturing the "greater group".)

Ḥāl F: If the authority makes a decision X and Y,[VI] and your mosque adopts Y, and if Y is physically impossible, which you know from unquestionable reports, then if you are able to,

[VI] **Notes:** Although rare in established Muslim societies, this is known to have happened when the so-called national authority announced more than one choice at the same time, which inevitably makes the *sabab al-wujūd* of such an authority invalid. In other words, this is an absurd case of an authority for a particular area, established to make a decision, making itself otiose by a non-decision. In *fiqhī* terms, the circumstance in *ḥāls* E and F is analogous to there being no decision made by the national authority (as in the UK at present). In an area with only one mosque, the mosque committee must [*wājib*] decide on what they think to be the physically correct or the more obvious [*aẓhar*] day. In an area with more than one mosque, each unfortunately making a different decision, the individual is then left to his or her own devices and should [*mandūb*] decide on what he or she thinks to be the correct or the more obvious day. In the latter case, there is *taraddud* [confusion] in the local calender, so, legally speaking, there will be no *taklīf* [responsibility] for the individuals who are not in a position of authority, even if they choose the wrong day. That is why removing this extraordinary circumstance, by preventing *taraddud* from plaguing the calender for a partiuclar area, is a communal obligation, a *farḍ kifāya*, for the whole of that community, just like establishing the *qibla*. And just as with the non-performance of a *Janāza* prayer, everyone in that community would suffer as a result of that confusion. Ponder over this rule, so we may be guided!

you should politely raise your concerns with the mosque committee about their conduct (even though if you were to be in that town on the day of ʿ*Īd* you would follow the mosque), and you should remind the authority that they are undermining the necessary authority that is needed by Muslims all over the country. (In this case, the mosque will be responsible for their wrong decision, and the authority for fracturing the "greater group".)

In *aḥwāl* A to D, you will be following the local calendar (your knowing of which is only *farḍ kifāya*), and in E to F, you may or may not in the end, depending on the decision of the mosque, be following the local calendar; but in all of the above cases, you will certainly not be defying the "greater group" unless in any of them you decided not to follow the only mosque when you are in that town. The *ḥukm* of knowing the local calendar becomes *farḍ ʿayn* in *ḥals* E and F, even when you end up not adopting your own findings but following instead the decision of the local mosque for the ʿ*Īd* prayer.

This is the meaning [*ḥaqīqa*] of having a united ʿ*Īd*: to have all the mosques in a given area or sighting-zone or at least town celebrate on the same day (whether the day is physically correct or not), as is the practice in all of the long established Muslim lands from East to West.

To believe, instead, in a "universal ʿ*Īd*" in the sense that all Muslims everywhere, regardless of their local sighting- and time-zones, celebrate on the same day, is a mistake. This "universal ʿ*Īd*" is linguistically a misnomer [*mughālaṭa lafẓiyya*], physically absurd [*muḥāl*], and legally unprecedented [*bidʿa*]. Hence, a responsible [*mukallaf*] Muslim who breaks with the "greater group" by doing this act will be answerable in the Next World for causing a *fitna* in the Muslim community where he or she was resident.

The way [*kayfiyya*] to achieve this united ʿ*Īd* is for the thousands of local mosques/Islamic centres/Muslim halls/*muṣallās* or whoever wherever hosting the ʿ*Īd* prayer to follow the national authority of the respective sighting-zone, even if the particular mosque believed it to be the wrong decision.

﴿ يَا أَيُّهَا الَّذِيْنَ آمَنُوا أَطِيعُوا اللهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الأَمْرِ مِنْكُمْ ﴾

{*O believers, obey God, and obey the messenger, and those with authority among you!*}[29]

If, sadly, Shayṭān (Allāh's curse upon him!) has got the better of us and there is in its place a choice of two ʿ*Īd*s between two mosques in your town, then, if there is a decision by the national authority, you should follow the mosque that follows the higher authority, even if you happen to know that the national decision is physically on the wrong day; but if there is no decision made by the authority, then you should observe the one you know to be the correct or the more obvious [*aẓhar*] day.

Someone who follows the only local option or the national authority, even when, *falak*-wise, the day is physically wrong, is not wrong, *fiqh*-wise. This is known as the *fiqh* rule of 'conforming with the local community' [*muwāfaqa ahl al-bilād*] above other considerations, and in this, there is wisdom:

If someone travelled from one (calendar) zone to another and find its people fasting or doing otherwise (because they follow a different calendar than his original one), he must conform with them (*i.e.*, with their calendar), whether it is at the beginning of the month or at the end of it.[30]

[29] *Sūra al-Nisā'*, 4:59.
[30] *Nihāyat al-Zayn*, 184-5.

❁ *Furūʿ* ❁

The following are two golden cases for Ramaḍān rehearsed by our jurists as an illustration of the rules on conforming with the locals:[31]

A. The bonus case of fasting 31 days

If Kurayb travels from Damascus to Medina, wherein the people in Damascus started fasting a day earlier than Medina, and to his dismay finds that they are still fasting, then he must [*wājib*] join them in their fast, even when he has already completed 30 days of fasting and could not wait to celebrate *ʿĪd* as the people in Damascus are doing. In this case, he will be in the unique position of receiving the heavenly reward for a 31 days of the obligatory fast.

B. The exculpated case of fasting 28 days

If Kurayb travels from Medina to Damascus, wherein the people in Medina started fasting a day later than Damascus, and to his surprise finds that they are celebrating *ʿĪd*, then he cannot [*ḥarām*] fast but must join them in breaking the fast, even if it means that he has only fasted for 28 days – short of the minimum lunar month. In this case, although he will have been forgiven since he has the legal excuse [*ʿudhr*] for not completing the month's fast, he will nevertheless be required to replace [*qaḍā'*] one day of fast after the *ʿĪd* is over and before the start of the next Ramaḍān.

[31] *Iʿānat*, 2:220.

❄ *Manẓūma* ❄

The poet and historian, Qāḍī Ibn al-Wardī (may Allāh be pleased with him!) composed the following verses (in *rajaz*) about the legal cases above for the benefit of all of us today:

وَبَعْدَ أنْ يَمْضِيَ ثَلاَثُونَ أَكَلْ ⋆ وَمَنْ إلَيْهِ يَوْمُ عِيدِهِمْ وَصَلْ

وَإنْ يَصُمْ عِشْرِينَ مَعَ ثَمَانِيَهْ ⋆ كَـانَ قَضَـاؤُهُ لِيَوْمٍ كَـافِيَهْ

وَإنْ يُسَـافَرْ لِمَكَـانٍ لَمْ يُرَى ⋆ فِيـهِ فَـلاَ تُجِزْ لَهُ أَنْ يُفْطِرَا

After thirty days have passed, then eat!
And also to those who arrive at their day of ʿĪd!

Even if he has fasted twenty eight days:
He will only replace a complete day.

If he had travelled to a place that has not sighted,
There, he could not have feasted!

✾ *Mas'ala* ✾

If someone said:

"Shouldn't the fast of ʿArafa be on the day of the ʿArafa itself? So whether we like it or not we will have to follow the Saudi calendar?"

We say:

First of all, let us make clear a fact that Muslims have taken for granted from Prophetic times, that *ʿĪd al-Aḍḥā* falls on the 10th of Dhū l-Ḥijja following their respective local calendars wherever they may be, irrespective of the date of *ḥajj* at Mecca. Likewise, the fast of the "Day of *ʿArafa*" is on the 9th of Dhū l-Ḥijja (and in our School it is also better [*awlā*; but not *sunna mu'akkada*] to fast on the 8th as the fast of *ʿArafa* too, as it is more precautionary [*aḥwaṭ*], in the event that the physical day falls earlier than the local position), despite its name,[VII] wherever you are, even if in reality the physical day of *ʿArafa* is on a different day, albeit a day after [*i.e.*, *muqārana ḥukmiyya wa-law baʿdahu*]. It is easy for those who have no knowledge of *fiqh* to believe otherwise and conclude mistakenly that only with regards to *ʿĪd al-Aḍḥā*, the Saudi calendar must be followed, at the exclusion of other calendars and different sighting- and time-zones. Not only is the fast not *wājib*, it is also a legal fact that it does not have to coincide physically [*muqārana ḥaqīqiyya*] with the *wuqūf* [standing] at

[VII] **Notes:** Just as with the recommended fast of the first nine days of Dhū l-Ḥijja, despite the traditional name of the fast being "*ʿashr dhī l-ḥijja*" [literally, the ten (days) of Dhū l-Ḥijja]. We should heed the guidance of Imām al-Ghazālī here: إِذَا عُرِفَ اَلْمَعْنَى فَلاَ مُشَاحَّةَ فِي اَلأَسَامِي "Once the meaning is understood, there is no need to quibble about names." The meaning of the *ʿashr dhī l-ḥijja* fast is explained by Imām al-Tarmasī: "Its meaning is [the first] nine days of it [and not ten], because to fast on the day of *ʿĪd* is prohibited as we have already mentioned. It is likely that it is expressed by 'ten' because the Ḥadīths being transmitted concerning that [fast] come with the word 'ten'" (*Mawhiba*, 4:299).

ʿ*Arafa*, since the legal cause [*sabab*] for the fast is not the physical event itself, but the fast is for those who have not performed the *ḥajj* that year, wherever they may be (and in our School for example, it could even be *khilāf awlā* or *makrūh* for pilgrims at ʿ*Arafa* that day to fast).[32]

A quick glance at one of our basic *fiqh* manuals is enough to dispel this flawed reasoning:

> It is strongly recommended [*sunna muʾakkada*] for those not in the Pilgrimage (even if he or she is in Mecca, for example, or for those not travelling or sick) to fast the Day of ʿ*Arafa* [...] and it is on the 9th of Dhū l-Ḥijja.[33]

If he still believes that the ʿ*Īd* in the month of Dhū l-Ḥijja must be physically connected to the *ḥajj* (and because of that he perhaps becomes hesitant about fasting on the day when the physical event of the *wuqūf* in ʿ*Arafa* falls earlier than the 9th of his local calendar, such as in Pakistan), then he might as well call it the "ʿ*Īd al-Ḥajj*", and not use the *mutawātir*-transmitted name of this ʿ*Īd*, namely, the "Festival of Sacrifice" or ʿ*Īd al-Aḍḥā*, which follow the great *ḥajj*.

[32] Al-Maḥallī, *Ḥāshiyatān*, 2:93.
[33] *Fatḥ al-Muʿīn*: *Iʿānat*, 2:265.

✯ *Waṣiyya* ✯

There are three golden points, moving from the West to the East; repeat this "3-point message" as a mantra to the mosque committees, so you may be contented and find peace:

1. It is not a *sharʿī* requirement for those in the UK to follow the decisions 'back home', whether Saudi Arabia or Pakistan or elsewhere. But it is a requirement for them to set up their own local authority and to be united in following that.

2. Prominent Saudi scholars themselves wonder why anyone else must follow their decision, whether for *ʿĪd al-Aḍḥā* or *al-Fiṭr*.

3. Why is it acceptable for Pakistan or Indonesia not to follow the decision of Saudi Arabia?

If anything, our Sacred Law shows that our hearts are still united (just as it was a non-issue between the two Companions in the Ḥadīth of Kurayb), despite the variations in the calendars of the *umma* (as also witnessed daily in the physical variance of the *maṭāliʿ al-shams*); and the *sharīʿa* allows for this difference of *budūr*, indeed confirmed by *ijmāʿ*, so long as the differences do not occur locally in the same city, whether at Medina or Damascus.

❋ الأرجوزة في مطلع البدور ومجمع الصدور احفظها ونفعنا بها ❋

Finally, the following *rajaz* verses encapsulate this whole exercise:

يَجْتَمِعُ ٱلصَدْرُ وَإِنْ تَخْتَلِفَنْ ❋ مَطَالِعُ ٱلبُدُورِ فَاحْفَظُوْهُ

وَإِنْ تَفَاوَتَ ٱلهِلاَلُ رُؤْيَةً ❋ بَيْنَ ٱلمَدِيْنَتَيْنِ حَقِّقُوْهُ

كَذَاكَ أَوْقَاتُ ٱلصَّلاَةِ ٱلخَمْسَةِ ❋ لاَ بَأْسَ عِنْدَهُمْ كَمَا تَرَوْهُ

وَذَاكَ إِنْ لَمْ تَخْتَلِفْ أَوْقَاتُ ❋ اَلْعِيْدِ فِي ٱلمِصْرِ فَتَأْخُذُوْهُ

وَهَكَذَا أُمِرَ بِنْ عَبَّاسٍ ❋ كَذَا مُعَاوِيَةُ فَانْظُرُوْهُ

وَإِنْ تَكُوْنُوْا حَافِظِيْنَ نَاظِرِينْ ❋ فَسَوْفَ يَهْدِيَنَّكُمْ إِلٰـهُ

The hearts (of the umma) are still united, despite the differences
in the various zones of the moon – so memorize that!

Even if sighting of the new crescent varies
between two cities, you must act on that!

Just as the five prayer times (when they differ between two cities)
pose no problem according to them[34] *as you know!*

This is only as long as there are no differences in the times
of ʿĪd within one city – you must take heed of that!

This is how it was commanded to Ibn ʿAbbās,
and likewise to Muʿāwiya – you must understand that!

If you have memorized and understood all that,
then certainly God will guide you!

[34] *i.e.*, the scholars of the *umma*.

✳ *Tatimma* ✳

"My community shall never agree on an error", is a well known Ḥadīth, and indeed, a given in our religion. But if you thought that the "great parts of the Saudi-influenced world" (with the greatest respect to them, of course) equals the 'greater group' numerically, then, you must surely be mistaken! For the more than 200,000,000 Muslims of the Far East alone outnumber those in the Middle East.

It hardly needs mentioning in this treatise that there is already *ijmāʿ* in the *umma* of the Seal of the Prophets (may Allāh's peace and blessings be upon him!) that the day of *ʿĪd al-Aḍḥā* falls on the 10th of Dhū l-Ḥijja, and *ʿĪd al-Fiṭr* is on the 1st of Shawwāl, and that they fall in their respective lands, countries and regions of the world following the decision of their imāms. As numerous contemporary jurists including eminent scholars from Saudi Arabia itself have written on the subject, to believe that the rest of the world should follow the Saudi's local calendar for the months of Ramaḍān, Shawwāl and Dhū l-Ḥijja, is a baseless innovation [*bidʿa lā aṣla la-hā*], one for which no jurists properly schooled, today or in days gone by, have set a precedent.

Despite the modern age, the considerable confusion over the regulation of the calendar witnessed in parts of the Muslim world is a sad and appalling testament of our affairs; it is especially distressing to see some from the *umma* defying both *fiqh* and *falak* as well as long established traditions from our chequered history. There have even been cases when the beginning of a lunar month was announced in some countries on an evening when the moon had actually set before the sun – a situation inconceivable in medieval times and hardly in keeping with the spirit of Islam. As a nation, we have forgotten the courage that made us a beacon for the dark ages:

اَلْمُحَافَظَةُ عَلَى قَدِيمِ ٱلصَّالِحِ وٱلأَخْذُ بِجَدِيدِ ٱلأَصْلَحِ

To preserve the best of the ancients and
to adopt the very best of the moderns.

O Lord, have mercy on us when we are called to judgement; forgive the Muslims for their shortcomings, and for their petty politics, and for their not being in synchrony with the heavens, *Āmīn*, *yā Allāh*, *Āmīn*!

This, I hope will be sufficient; *wa-Allāhu taʿālā aʿlam wa-aḥkam*!

May this be beneficial; and my best wishes of *ʿĪd* and the blessings that come with it to you and to your family and for your community in Cambridge *al-Maḥẓūẓa* tomorrow.

اللهمّ اجْعلنَا وإيّاكم من الفائزين لرضاء ربِّ العالمين واعْدَهُ اللهمّ علينا وعليكم سنيناً بعد سنين وأعواماً بعد أعوام مصحوبين باللُّطْفِ والعافية وتَكَرَّمْ علينا وعليكم بحجِّ بيتِ الله الحرام وزيارة قبر النبيِّ عليه الصلاة والسلام وارْزُقنا كمال المتابعة له ظاهراً وباطناً وفهماً ثاقباً وعلماً نافعاً ويقيناً صادقاً وعملاً صالحاً آمين آمين آمين

al-Faqīr dhū l-Taqṣīr in Oxford *al-Maghbūṭa*
Muhammad Afifi al-Akiti
on Wednesday, the 8th of Dhū l-Ḥijja 1425
or 19th of January 2005

SUPPLEMENT

Takmila to *Maṭlaʿ al-Budūr*

In the name of God, the Merciful and Compassionate.

The following is to supplement the original treatise on *ḥisāb* and *ruʾya* (and it should only be read together with the *Maṭlaʿ al-Budūr*). Although they deal with additional questions, the answers in fact add nothing new to the original piece – nevertheless they are presented below for emphasis [*tawkīd*]. May it facilitate others to recognize the legal judgements in the former that may have been too compact for clarity.

1. Question: "If X is adopted by big-city big-mosque and X too is adhered to by satellite mosque (no other mosque in town), and X is indisputably jumping the gun (i.e., being a day early), and one is thus doing ʿId on the 9th of Dhū l-Ḥijja, the blessed day of fasting, has one simply lost out of this unique day of fasting and forgiveness, or will one's 8th Dhū l-Ḥijja fast count as it was done with the intention of ṣaum al-ʿArafa?"

Our reply is:

Again, the principle remains the same as in the original *risāla*. If there is a choice in the local town then you should go with the mosque you know to be correct. But if there is none as in this case, then you now have the legal excuse and *ʿudhr* to perform *ʿĪd* on the "wrong" day in your local town. In that case your local *ʿĪd* is the correct *ʿĪd* for you in your locality and your fast will be recorded as the fast of *ʿArafa* and you will be rewarded fully for it. You will not lose out on the "unique" day of fasting and your fasting the day before your local day of *ʿĪd* is and will be considered the fast of *ʿArafa* even if it does not coincide physically

with the standing at ʿ*Arafa*. This is what it means to follow the *muwāfaqa* rule (and in our School, this consideration of unity is more important than whether the day is right or wrong, even if it means fasting 28 days only or 31 days for Ramaḍān, for example).

2. Question: "While there may or may not be a man-known answer to this, the fiqh may be answerable: should one, in such extreme cases of isolation, fast on 9th Dhū l-Ḥijja (the day the town mosque is doing ʿĪd) and travel to another nearby city the following day to perform an ʿĪd prayer to comply with the local-horizon; or should one in all cases remain loyal to one's own community and mosque while hoping that the 9th Dhū l-Ḥijja fast is not missed in the book or records? Is the answer dependent on whether the next-day travelling is more or less than the distance of qaṣr?"

Our reply is:

No (you cannot fast), not if you are in the local town on the "9th of Dhū l-Ḥijja" (the 9th, that is according to the other town, but in fact, locally, your town is on the 10th: ponder over this, and it will solve your problems!), as it is *ḥarām* to fast on the day of ʿ*Īd* (even if you know the day of ʿ*Īd* in your local town to be physically wrong). The short answer is, you do not need to travel to another city in order to celebrate ʿ*Īd* on the right day. Doing it locally on the "wrong day" absolves you completely from any *taklīf* [responsibility] whatsoever in the first place, and it becomes the correct day for you there. You can of course travel and celebrate your ʿ*Īd* in the other town that is with the different calendar if you have a personal (and I stress, there is no minimum legal) reason for it, such as your father or mother is in the other town, and so on. And if you intend to celebrate it in another town, one with a different calendar, then you better had

travel a day earlier, before you start fasting on the day your local town celebrates its ʿ*Īd*.

3. Question: "Many people in Europe, particularly continental Europe, are in a situation where they don't belong/adhere to one particular mosque (there may be several in the neighbourhood or none), which may be deciding for X, Y, and even Z (yes, three-day splits have happened) with a compounded difficulty that these mosques would not seem to be following any authority (except themselves) or that they follow different authorities. While it is possible to extrapolate their options and routes on the basis of the taxonomy you kindly provide, perhaps an extra ḥāl or two for this section of people would provide further guidance for many of us?"

Our reply is:

Mā shā' Allāh! May Allāh open their eyes and hearts to see that they should set up a nationwide authority and thereafter they must follow that local authority and not one 'back home' or somewhere else if the anarchy is to be eliminated at all. *In shā' Allāh*, there will be no need for the extra paradigm, because as you have rightly noted, it is possible to extrapolate newer options based on the taxonomy provided. The taxonomy is purposefully set up for the case of the one mosque as a reference point so that once the criterion behind it is understood by the student it can easily be built upon. (Otherwise, it will go *ad infinitum*, for decisions X, Y, Z, A, B...).

Again, the rule is basically: if there is no choice locally, then there is no problem at all and you have no *taklīf* whatsoever; but if there is, even if it is a multiple choice among X, Y, and Z or more, only one of them can be correct, and you should (*mandūb*, but not *wājib*), if you know, follow the right one even if it belongs

to a mosque that is not to your theological taste. In reality, however, there will also be no consequence and *taklīf* upon you if you choose to go with the wrong mosque because this is a case of

﴿ لاَ يُكَلِّفُ اللهُ نَفْساً إِلاَّ وُسْعَهَا ﴾

{*God does not burden any soul except with what it can bear*},[35]

and legally speaking, there is already confusion [*taraddud*] with the local calendar for this community (analogous to the *taraddud* of the missing 'twilight' [*ʿishā'* and *subḥ*] during the Summer months) and it has become a case of *ḍarūra* in the town of X, Y and Z.

Conversely, because of this extraordinary circumstance, it would also not be *ḥarām* to fast on a day when there is this confusion (as opposed to the original ruling [*aṣl*] that fasting on the day of *ʿĪd* is *ḥarām*). There will be no *taklīf*, of course, as long as you do not hold a position of authority who could have influenced event in this case (namely, being one of the committee members of either mosque X, Y, or Z).

4. Question: "But how do we overcome the tribulation when Syria, Yemen, Egypt etc. go with the Saudis on their proclamation? In fiqh of course it may have little relevance, but in terms of activating a policy, it is difficult for a mosque to overcome the opposition of its community when home/origin countries for many/most members of the community jump on the Saudi bandwagon. In effect, one somehow needs to state that these lands, with all their ʿulamā' and shuyūkh, have made a mistake while this tiny mosque in the periphery of the globe and little Islamic infrastructure knows better. How do we tackle the issue of communicating the issue in the face of massive opposition, and

[35] *Sūra al-Baqara*, 2:286.

even resentment, when going against not only Saudi Arabia but also the lands traditionally or contemporarily associated with high-level scholarship? Perhaps this issue could be tackled in the closing for the benefit of us all."

Our reply is:

Please read the *Tatimma* of the *risāla*, again. The Muslims in Indonesia or Pakistan do not 'massively oppose or resent' the decision of their local authority when the authority happens to go against the Saudi calendar, since they know that they are following their own calendar and their calendar happens to be different on that occasion from the Middle East (just as we have different time-zones). So, it is of no consequence at all to us here in the UK when lands with a thousand times more *awliyā*' and *ʿulamā*' than ours celebrate *ʿĪd* at a different time, simply because they have a different calendar. At least they have fulfilled their communal religious duty in this case and, unlike us in the UK: they are disciplined enough to follow their local calendar and therefore enjoy a united *ʿĪd*. So again, as the *risāla* makes clear, Muslims in the West must and should set up national bodies to regulate their own calendar.

(Question repeated as an emphasis:) *"In effect, one somehow needs to state that these lands* (in the Middle East)*, with all their ʿulama and shuyukh, have made a mistake while* (let's say) *this tiny mosque* (in the UK) *in the periphery of the globe and little Islamic infrastructure knows better.*"

Our reply is:

No, not at all and on the contrary both are correct! It is not a case of "either you are with us or against us". Once the basics of *fiqh* behind this *mas'ala* are understood well, then we will quickly

realize that both (the UK and the Saudi) are in fact correct (or for that matter: Indonesia's calendar is correct, Saudi's calendar is correct and the UK's calendar (once we have one in the UK without the state of confusion that we are in) is also correct – even when one of them turns out to be physically impossible. It does not even become a question of "they" are wrong versus "we" are right, since they will both have followed their own calendars – united in their own way and time, each correct in their unique way either by *falak* or by *fiqh* or through both. And this is the crux of the whole *mas'ala*: the first step towards addressing this crisis is to prevent *taraddud* from plaguing one's local calendar wherever you may be.

Wa-fī hādhihi l-ajwiba kifāyatun li-ahl al-ʿilm!

Your poor brother,

Muhammad Afifi al-Akiti
Oxford
28 Dhū l-Ḥijja 1426
8 February 2006

Postscript

To the simple-but-literally minded right [*ifrāṭ*] who say that knowledge of astronomy – whether it is the time of conjunction or of moonset – plays no part whatsoever in establishing our formal ʿ*ibāda*, thinking by this that they are only defending scripture, *naql* (even if at the expense of ʿ*aql*), we quote the advice of *Ḥujjat al-Islām*, Imām al-Ghazālī (may Allāh be pleased with him!) in the *muqaddima* of his *Tahāfut*, a work well known for setting the limits of human reasoning, who said:

> Whoever thinks that to engage in an argument for refuting this is a religious duty actually harms religion and even weakens it. For these matters rest on geometrical and mathematical facts that leave no room for doubt. Thus, the person who looks closely at them and verifies their proofs till he gets information through them on (astronomical data such as) the time of the two eclipses and their extent and duration is told that this is contrary to the Sacred Law, then that person will not have any misgivings about that (science) but only religion. The harm inflicted on religion by those who defend it improperly is greater than the harm caused by those who attack it properly, as it is said: "A rational foe is better than an ignorant friend."[36]

To the sophisticated-but-nonconformist liberal left [*tafrīṭ*] who either has no patience or simply does not understand why we sometimes do things out of a mark of *taʿabbud* as part of the ritual of formal ʿ*ibāda*, who may persist for only a rationale explanation in that, or worse, fail to keep the *ḥusn al-ẓann* of fellow Muslims and grumble over the practice of moonspotting as 'outlandish' religious practice; then, listen again to the advice

[36] *Tahāfut*, 11.

from the autobiography, *al-Munqidh*, of the one above whom even Jewish and Christian dons hold in high regard:

> Faith in prophethood is to acknowledge the existence of a stage beyond reason […] If a scientist denies the possibility of such special properties in the numbers of *rakaʿas*, the casting of pebbles, the number of the integrals of *ḥajj* and the rest of the *taʿabbud*-rituals of Sacred Law, he will not – in reality – find any difference between those and the special properties of pharmacy and astronomy […] If one considers his (may Allāh's peace and blessings be upon him!) marvellous deeds manifested in his person, and the wonderful mysteries declared by his tongue in the Qur'ān and the Ḥadīths, and also his prophecies of future events – together with their coming true – then, one will know that he has reached the stage that is beyond reason, where (another) eye was opened for him to which the unseen were unveiled – and which only the chosen ones can understand, matters which cannot be understood by intellects (alone).[37]

May Allāh keep us away from the extremes of these two camps: the one who stays at the expense of *naql*, on the one end, and *ʿaql*, at the other; but guide us instead, O' *Rabb*, onto the superhighway of success, the *ṣirāṭ al-mustaqīm* of those who realized that there is no serious bifurcation between religion and science and have reconciled both of them, the *maqām* of *muwāfaqa* for the *muẓāhir bayna humā*!

[37] *Munqidh*, 161-2, 165, 167.

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GLOSSARY

ʿābid = devotee
ʿābidīn = pl. of *ʿābid*
adilla = pl. of *dalīl*
ahilla = pl. of *hilāl*
ahl al-dalīl = those demanding scriptural proofs before acting on anything
ahl al-falak = astronomer
aḥwāl = pl. of *ḥāl*
aḥwaṭ = more precautionary; *iḥtiyāṭ* (*q.v.*)
ājāl = the deferred time for a loan
ajal al-ʿunna = probationary term for impotence
ālāt = instruments; tools
ʿālim = scholar
ʿamal al-khusūfayn = the occurrence of eclipses
amīr = temporal ruler
ʿāmm = a text that is general, as opposed to specific; the general meaning of a text
ʿaqīqa = the name-giving ceremony and sacrifice for a newborn
ʿaql = intellect, reason; scientific facts
ʿarḍ = latitude (astron.)
ʿarḍī = adj. of *ʿarḍ*; latitudinal
arṣad = observational data
ʿashr dhī l-ḥijja = the fast of the nine days of Dhū l-Ḥijja
ʿĀshūrāʾ = the 10th of Muḥarram
aṣl = original legal ruling
awlā = superior, better
āyisa = the rules relating to menopausal status
aẓhar = the more obvious; the most obvious
bāb = chapter; legal subject
balad baʿīd = ikhtilāf al-maṭāliʿ (*q.v.*); distant region
balad qarīb = ittiḥād al-maṭlaʿ (*q.v.*); nearby region
balad wāḥid = ittiḥād al-maṭlaʿ (*q.v.*); same region

bidʿa = lit. "innovation"; (1) unorthodox belief, heterodox (theol.); (2) unsanctioned or baseless act, something unprecedented (law)
bilād al-afranj = the Far West; Western nations
bulūgh = the default age of puberty at 15 years old
asṭurlāb = astrolabe
ḍābiṭ = a standard or principle rule invoked in *furūʿ* for a particular *masʾala*; restricted principle
dāʾira muʿaddal = equinoctial line (astron.)
dalīl = legal proof; legal basis; argument; primary text as proof
dalīl ʿaqlī = rational argument
dalīl naqlī = primary text or scriptural basis
daraja al-mamarr = degree of transit (astron.)
ḍarūra = necessity; state of emergency
Dhū l-Ḥijja = the 12th month of the Islamic calendar
Dhū l-Qaʿda = the 11th month of the Islamic calendar
diyāt = the various indemnities
ḍuḥā = (1) mid-morning; (2) recommended mid-morning prayer
fāʾida = useful lesson, auxiliary point
falak = astronomy
falak sharʿī = sacred astronomy; the part of astronomy that applies to religious topics, such as setting the prayer times and the exact direction of the *qibla*; subjects included are *mīqāt*, *mujayyab* and *nayrayn*
falakī = (1) adj. of *falak*; (2) astronomer
faqīh = jurist
farḍ ʿayn = personal obligation
farḍ kifāya = communal obligation
farsakh = a unit of linear measurement of about 6 km
fāsiq = someone with a criminal record or a previous conviction
fatwā = legal opinion; legal response or reply to a petitioner
fiqh = Islamic jurisprudence; the expertise of the *faqīh*
fiqhī = adj. of *fiqh*; legal
fitna = trouble, chaos, problems, trial and tribulation
fuqahāʾ = pl. of *faqīh*

furūʿ = (1) corollary legal rulings; (2) used as a short form of *furūʿ al-fiqh*, which is the knowledge of the minutiae of Islamic law: the concrete, individual cases in *fiqh*, especially those that have been decided by jurists and may therefore be cited as legal precedents; it covers ritual worship, and family, civil and criminal law; in some respects it is comparable to today's leading cases, case law or positive law

ghurūb = sunset (astron.)

ghurūb al-hilāl = moonset (astron.)

ḥadīd al-baṣar = extraordinary eyesight

Ḥadīth = a saying of the Prophet Muḥammad, upon whom blessings and peace

hady = expiatory sacrifice during *ḥajj*

ḥajj = the major pilgrimage

ḥākim = syn. of *qāḍī*

ḥāl = a particular scenario in a legal case; circumstance

ḥaqīqa = true meaning or nature; reality, truth

ḥaqq = legal right

ḥarām = (1) prohibited, unlawful; opp. of *wājib* (in the legal terminology of Shafiʿī *fiqh*); (2) the Sacred Mosque in Mecca; (3) the sacred areas around Mecca, Medina and the Temple Mount of Jerusalem

ḥāsib = astronomer; mathematician

hay'a = planetary models

hijrī = the Islamic calendar (*i.e.,* in the year of the *Hijra*)

hilāl = crescent; new moon

ḥisab = computation

ḥisāb qaṭʿī = astronomical or physical data of the times of sunset, moonset and the like

ḥisāb ẓannī = computational predictions, such as the exact first visibility of the crescent; predictions of crescent visibility

Ḥujjat al-Islām = "The Proof of Islam", a title given to Imām al-Ghazālī, Islam's most famous religious scholar

ḥukm [*sharʿī*] = legal ruling or status

ḥukm imkān al-ru'ya = visibility predictions for the beginning of any lunar month

ḥusn al-ẓann = giving others the benefit of the doubt; thinking good of others

ʿibāda = acts of religious devotion or ritual worship

ʿĪd = Muslim festival; there are two *ʿĪds*: *ʿĪd al-Fiṭr*, the "Feast of Fast-breaking" on the 1st of Shawwāl, commemorating the end of the Ramaḍān fast, and *ʿĪd al-Aḍḥā*, the "Feast of the Sacrifice" on the 10th of the Month of the Pilgrimage, Dhū l-Ḥijja (*ʿĪd* is sometimes spelled "Eid")

ʿidda = the post-marital waiting period

ifrāṭ = a "rightwing" position, which is overly puritanical, reactionary and literal-minded; those who disregard *ʿaql*; opp. of *tafrīṭ*

ijāra = hiring; the rules relating to hiring things

ijtihād = (1) independent judgement; personal decision; (2) a decision of the authority

ijtimāʿ al-nayrayn = conjunction (astron.); time of new moon

iḥtiyāṭ = following a more precautionary position in *fiqh*; *aḥwaṭ* (*q.v.*)

ijmāʿ = consensus

ikhtilāf al-maṭāliʿ = a different sighting-zone; different sighting-zones; also known as *balad baʿīd*

īlāʾ = forswearing sexual intercourse

ilhām = inspiration

ʿilla = legal basis for a particular *masʾala*

ʿilla al-mulāzama = proximate cause

imām = (1) authority; (2) the one who leads the *jamāʿa* prayer; (3) temporal ruler

inkhirām al-ʿāda = a disruption in natural laws; miracle

irtifāʿ = (1) altitude (astron.); (2) elevation (astron.)

ʿishāʾ = the night prayer

istibrāʾ = the absolution after the menstrual intervals

istikmāl = completing a lunar month with the 30th day

iʿtikāf = spiritual retreat

ittiḥād al-maṭlaʿ = the same sighting-zone; the local sighting-zone; also known as *balad wāḥid* or *balad qarīb*

jadwal = astronomical or observation table

jā'iz = permissible; a legally acceptable option
jamā'a = congregation; congregational prayer
janāza = the funeral prayer
kaffāra = expiation of fasting
kayfiyya = procedure, manner, way
khabar al-ghalaṭ = incorrect or false testimony
khabar al-kidhb = perjury
khaṭīb = sermonizer
khātima = closing statement
khilāf awlā = contrary to what is better
kiswat al-zawja = the rules relating to clothing maintenance for the wife
kudūr al-jaww = atmospheric conditions (astron.)
laylat al-ru'ya = the first night of moonsighting, which is on the 29th day of the lunar month
laylat al-thalāthīn = syn. of *laylat al-ru'ya*
lughawī = according to lexical terminology; literally
luqṭa = the rules relating to lost and found articles
madhhab = school of law in *fiqh*
madrasa = Islamic seminary
madrasāt = pl. of *madrasa*
maghrib = (1) sunset; (2) the sunset prayer
makrūh = disliked; opp. of *mandūb*
makth al-hilāl = *qaws al-makth* (*q.v.*)
manāzil = the 28 lunar mansions; phases of the moon
mandūb = recommended; opp. of *makrūh*
manẓūma = poem; a point made in verse
maqām = station, status; tomb
marḥala = a unit of linear measurement of about 48 km
marṣad = observatory
mas'ala = (1) legal case or discussion; (2) Q&A
maṣlaḥat al-'āmma = public interest
maṭāli' = pl. of *maṭla'*; other sighting-zones; a different sighting-zone
maṭāli' falakiyya = celestial ascension (astron.)
maṭāli' al-mamarr = transit ascension (astron.)

maṭāliʿ al-naẓīr = nadir (astron.)
maṭāliʿ al-shams = sun-zones (astron.)
maṭāliʿ al-waqt = time zones (astron.)
maṭlaʿ = (1) short form of *maṭlaʿ maḥall al-ruʾya* (law); (2) right ascension (astron.)
maṭlaʿ maḥall al-ruʾya = the local sighting-zone
mawāqit = times relating to various ʿ*ibāda*; *ṣalāt* times
mayl al-shams = declination of the sun (astron.)
mīqāt = the science of timekeeping in determining the *ṣalāt* times
muʾadhdhin = muezzin
mufassir = Qurʾān exegete; an expert in *tafsīr*
muftī = one who formulates fatwās or formal legal responses
mughālaṭa lafẓiyya = misnomer
muḥaddith = an expert in Ḥadīth
muḥāl = absurd; impossible
Muḥarram = the 1st month of the Islamic calendar
Muḥaqqiq = "The Meticulous Examiner", a title given to the late leading jurists of the Shāfiʿī School, in particular Imām al-Kurdī
mujaddid = renewer of the faith
mujayyab = the science of using a quadrant
mukallaf = legally-responsible Muslim
muqaddima = introduction
muqārana ḥaqīqiyya = a true concurrence; coinciding literally with something else
muqārana ḥukmiyya = a virtual concurrence; not coinciding literally with something else but following it
muqriʾ = an expert in the science of the readings of the Qurʾān
musāfat al-baʿīd = maximum distance
muṣallā = prayer room or area
musāqa = crop-sharing contract
mushtaraka = equivocal terms
mutawaffā = the deceased husband
muthallathāt = trigonometry

muwāfaqa ahl al-bilād = the imperative to conform with the local community
muwaqqit = timekeeper
naql = scripture; scriptural authority
nayrayn = the science of lunar astronomy and eclipses
nāẓir al-hilāl = a veteran moonspotter
nukat = pl. of *nukta*
nukta = note
Nusantara = the Malay archipelago in Southeast Asia
qaḍā' = subsequent performance of a missed act of *ʿibāda*, such as a Ramaḍān fast or a *ṣalāt*
qāḍī = a magistrate or judge in an Islamic court of law
qāʿida = legal principle or maxim
qaṣr = the minimum distance required to be considered legally as a traveller
qaṭʿī = definite; not ẓannī
qatl = murder
qawl muʿtamad = the relied-upon position for a particular *mas'ala* in the Shāfiʿī School
qawl ṣaḥīḥ = the correct position for a particular *mas'ala* in the Shāfiʿī School
qaws al-makhth = the moon's lag time (astron.)
qibla = the direction to be faced when performing the *ṣalāt*; the direction of Mecca
qiyās = analogical reasoning
rakʿa = one complete cycle in the *ṣalāt*
rā'i = witness of a crescent
rajaz = one of the metres in Arabic poetry
Ramaḍān = the 9th month of the Islamic calendar
Rawḍa = a special blessed area in the Prophet's Mosque in Medina
ribā = usurious gain
riḍāʿ = the rules relating to suckling
risālā = treatise, article
rubʿ mujayyab = Sine quadrant

ruʾya = moonsighting
ruʾya fī l-mirʾat = a sighting via telescopic or other optical aids
saʿat baʿda l-ijtimāʿ = the age of the moon (astron.)
sabab = legal cause
sabab al-wujūd = *raison d'être*
ṣafāʾ al-jaww = atmospheric conditions (astron.)
salām = forward-buying contract
ṣalāt = obligatory ritual prayer
shahāda = testimony
Shāriʿ = the Lawgiver
sharīʿa = Sacred Law
sharʿī = adj. of *sharīʿa*; legitimate in the eyes of the *sharīʿa*, lawful, legal
sharq aqṣā = the Far East; Southeast Asia nations
sharṭ = condition
shāt = a one-year old sheep
Shawwāl = the 10th month of the Islamic calendar
Shayṭān = Satan
shurūʿ al-imām = the completed process of *thubūt al-hilāl*, which is the point when the authority declares the new month to the public
shurūṭ al-ruʾya = visibility criteria of the crescent
shurūq = sunrise
simṭ al-qibla = the exact direction of the *qibla*
sīra = the science of Prophetic biography
ṣirāṭ al-mustaqīm = the Straight Path
ṣubḥ = (1) early morning; (2) the dawn prayer
sunna muʾakkada = strongly recommended
sūra = a chapter of the Qur'ān
taʿabbud = religious duty
tafāwut = the deviation between two locations in degrees (astron.)
tafrīṭ = a "leftwing" position, which is overly liberal, lax and religiously naive; those who disregard *naql*; opp. *ifrāṭ*
tafsīr = the science of the exegesis of the Qur'ān
taḥdīd = maximum extent or value
tajārib = empirical data

takhṣīṣ = the specification of the meaning of a text; the meaning being specified by a text
taklīf = responsibility
takmila = supplement
tanbīh = important notice or reminder; nota bene
taqwīm = ephemeris, astronomical almanac; annual calendar
taraddud = confusion; a state of chaos
taʿrīf al-awqāt = knowledge of times relating to the *ṣalāt* and other prayers
ṭarīq = means
taṣawwuf = the science of Sufism; Muslim spirituality
tatimma = conclusion
tawātur = mass-transmitted report
tawkīd = emphasis
thamra = lit. "fruits"; results
thubūt al-hilāl = the process of declaring and establishing the crescent sanctioned by the *imām* for the concerned area
ṭūl = longitude (astron.)
ʿudhr = legal excuse
ufuq arḍī = local horizon; also appears simply as "*ufuq*"
ufuq gharbī = western horizon
ufuq sharqī = eastern horizon
ʿulamā' = pl. of *ʿālim*
umma = the Muslim community at large
uṣūl = (1) foundational principle; (2) used as a short form for *uṣūl al-fiqh*, which is the discipline of jurisprudential principles, dealing with the sources, hermeneutic rules, basic theory, and philosophy of law in *fiqh* (*i.e.*, pure *fiqh* versus applied *fiqh* or *furūʿ*)
uṣūl al-dīn = the science of Islamic theology
uṣūlī = (1) adj. of *uṣūl*; (2) an expert of *uṣūl al-fiqh*
wājib = obligatory; opp. of *ḥarām*
waṣiyya = (1) instructive advice, a point made as a recommendation; (2) the rules relating to bequests (law)
wuqūf = the standing at ʿArafa during the *ḥajj*

yaqīn = certain knowledge (*i.e.*,100% correct)
zakāt = the obligatory charity
zakāt al-fiṭr = the obligatory charity of *ʿĪd al-Fiṭr*
zawāl = the sun's zenith
ẓann = probable knowledge (*i.e.*, 75% correct)
ẓannī = adj. of ẓann
ẓihār = injurious comparisons
zīj = book of astronomical table, often used interchangeably with *taqwīm*

SHORT BIOGRAPHICAL NOTICES

Bāʿalawī, ʿAbd al-Raḥmān b. Muḥammad (d. 1251/1835); the Ḥadramawt; Shāfiʿī jurist and Ashʿarī theologian. He was the Muftī of the Ḥadramawt in his time.

al-Bakrī Shattā, Abū Bakr b. Muḥammad (d. 1310/1893); Egypt and Mecca; Shāfiʿī jurist and Ashʿarī theologian, linguist. He taught at the *Ḥarām* of Mecca and was an important transmitter of religious knowledge to students of *fiqh* and *taṣawwuf* especially from the Nusantara [the Malay archipelago in Southeast Asia]. Today, mastery of his *magnum opus*, the *Iʿānat al-Ṭālibīn*, is essential for the training in Shāfiʿī *fiqh* in the *madrasas* of the Nusantara.

Bāmakhramah, Taqī al-Dīn ʿAbdullāh b. ʿUmar (d. 972/1565); the Ḥadramawt and Aden; Shāfiʿī jurist and Ashʿarī theologian, scientist, biographer. The Qāḍī of Shiḥr, and one of the most famous Muftīs of Yemen. His knowledge of Shāfiʿī *fiqh* led him to be known as "the Minor Imām". He was a polymath in the religious as well as the rational sciences and wrote on *fiqh*, theology, mathematics, algebra, astronomy – in prose as well as verse – and also biographies of Shāfiʿī jurists. He was an important scholar in applications of scientific knowledge to religious topics, such as setting the exact prayer times and the direction of the *qibla* by using mathematical computations and standardizing algebraic equations for commercial and inheritance law.

al-Batāwī, Muḥammad Manṣūr b. ʿAbd al-Ḥamīd (d. 1344/1925); Jakarta; Shāfiʿī jurist and Ashʿarī theologian, grammarian, astronomer. He was the Qāḍī of Jakarta and, at the same time, a well respected astronomer who authored many works still taught today in the *madrasas* of Southeast Asia, including treatises on morphology and *falak*, such as the *Sullam*.

al-Battānī, Abū ʿAbdullāh Muḥammad b. Jābir (d. 317/929); Harran and Baghdad; astronomer. A great Muslim astronomer, known in the Latin West as Albatenius or Albategni; famous for solving a number of difficult theoretical problems, he made important advances in Ptolemaic astronomy. Astronomical terms of his, such as "azimuth" and "nadir", have become standard.

al-Bīrūnī, Abū al-Rayḥān Muḥammad b. Aḥmad (d. 440/1048); Central Asia, Iran and northern India; scientist. One of the most original Muslim scientists and the best example of a polymath in the rational tradition. He was not only well-versed in mathematics, astronomy, physics, philosophy, geography, and mineralogy, but was equally a linguist and a notably impartial and careful historian and observer of cultures and religions.

al-Fādānī, ʿAlam al-Dīn Abū l-Fayḍ Muḥammad Yāsīn b. Muḥammad ʿĪsā (d. 1410/1990); Sumatra and Mecca; Shāfiʿī jurist and Ashʿarī theologian, *muḥaddith*, *uṣūlī*, linguist, logician, astronomer, biographer. Our teacher, the *Musnid al-Dunyā* of the 20th century, not only for Shāfiʿīs, but for the rest of the *umma*. He was the patron and reviver of the traditional *madrasas* in the Nusantara – for boys but also and especially for girls. The Ghazālī-inspired teachings of harmonizing scientific and sacred knowledge are reflected best in his example, by his being a gifted polymath in the rational as well as the religious sciences, by his love for all kinds of knowledge, exoteric or esoteric, foreign or indigenous, and by his transmitting of texts ranging from the dry, legalistic ones to spiritual ones of *taṣawwuf*.

al-Ghazālī, *Ḥujjat al-Islām* Abū Ḥāmid Muḥammad b. Muḥammad (d. 505/1111); Iran, Baghdad and Damascus; Shāfiʿī jurist and Ashʿarī theologian, logician, philosopher. The master of the sciences of *Islām-Imān-Iḥsān* and the *mujaddid* in Shāfiʿī *fiqh*, Ashʿarī theology and Sufism. The author of the *Summa Islamica*, the *Iḥyā' ʿUlūm al-Dīn*, concerning which al-Ṣafadī (d. 764/1363) said: "Were all the books of Islam to be lost except the *Iḥyā'*, that would replace them." Regarding the author himself, it will suffice to reproduce what al-Suyūṭī (d. 911/1505) said about him: "Were there to be a prophet after Muḥammad (may Allāh's peace and blessings be upon him!), it would have been al-Ghazālī"; and in al-Ṣafadī's hall of fame, a roll call of scholars in their respective fields, al-Ghazālī is listed as a scholar who has not been surpassed "in reconciling the rational and the religious sciences."

Ibn Ḥajar al-Haytamī, Shihāb al-Dīn Abū l-ʿAbbās Aḥmad b. Muḥammad (d. 974/1567); Egypt and Mecca; Shāfiʿī jurist and Ashʿarī theologian, *muḥaddith*, historian, man of letters. One of the four principal authorities

of the Shāfiʿī School and author of the authoritative *Tuḥfa* on the *Minhāj* of al-Nawawī. His detailed commentaries on the two visionary poems of Imām al-Buṣīrī (d. 696/1296), the *Burda* and the *Hamziyya*, are full of titbits of knowledge of the Sunni path in theology, law, Sufism, *tafsīr*, Ḥadīth, and of course *sīra*.

Ibn Qāsim al-ʿAbbādī, Shihāb al-Dīn Aḥmad (d. 992/1584); Egypt and the Ḥijāz; Shāfiʿī jurist and Ashʿarī theologian, *mufassir*, *uṣūlī*, linguist. He was educated at al-Azhar under some of the famous scholars of the time. He died in Medina on the way back from the *ḥajj*.

Ibn Rushd, Abū l-Walīd Muḥammad b. Aḥmad (d. 595/1198); Cordoba, Seville and Marrakech; Mālikī jurist, *uṣūlī*, physician, logician, philosopher. He was the Qāḍī of Seville and Chief Physician of the Muwaḥḥidūn in Spain and became famous in the West as *the* Commentator of Aristotle under the name Averroes.

Ibn al-Shāṭir, ʿAlāʾ al-Dīn Abū l-Ḥasan ʿAlī b. Ibrāhīm (d. 777/1375); Damascus, Cairo and Alexandria; mathematician and astronomer. He was the Chief *muʾaddhin* of Damascus and a famous *muwaqqit* of the Umayyad Mosque. His most significant contribution to astronomy were his mathematical planetary models (identical to the later Copernican theory except that they remained geocentric), while his astronomical tables and almanacs were highly regarded.

Ibn Taymiyya, Taqī al-Dīn Abū l-ʿAbbās Aḥmad b. ʿAbd al-Ḥalīm (d. 728/1328); Harran, Damascus and Egypt; Ḥanbalī jurist and theologian, *mufassir*, *muḥaddith*. Although he provided a different flavour to al-Ghazālī's theological project, he too has become one of Islam's most influential religious thinkers, primarily among reformist circles in the 20th century. He was a prolific author and an acknowledged authority in Ḥanbalī *fiqh* and began teaching and giving out fatwās before the age of 20. After his life-long struggle against the cult of saints, his tomb in the Ṣūfiyya cemetery of Damascus became, ironically, a place of pilgrimage.

Ibn al-ʿUthaymīn, Abū ʿAbdullāh Muḥammad b. Ṣāliḥ (d. 1421/2001); ʿUnayzah and Riyadh; Ḥanbalī jurist and theologian. A well-known Saudi scholar. He was the *khaṭīb* of the ʿUnayzah Mosque and a member of Saudi Arabia's Council of Senior *ʿUlamāʾ*. Although associated with the Ḥanbalī School, he preferred to derive rulings strictly from the

scriptural sources in literal terms without regard to earlier consensus, especially in theological matters.

Ibn al-Wardī, Zayn al-Dīn Abū Ḥafṣ ʿUmar b. Muẓaffar (d. 749/1349); Syria; Shāfiʿī jurist and Ashʿarī theologian, historian, linguist, poet, man of letters. He was the Qāḍi of Manbij and Aleppo. He was equally famous as a poet, as can be seen in all of his major works, which are compositions of thousands of verses on a variety of subjects including *fiqh*, grammar, *taṣawwuf*, and even dream interpretation.

al-Isnawī, Jamāl al-Dīn Abū Muḥammad ʿAbd al-Raḥmān b. al-Ḥasan (d. 772/1370); Egpyt; Shāfiʿī jurist and Ashʿarī theologian, *mufassir*, *uṣūlī*, linguist, biographer. Not only was he the leading Shāfiʿī jurist in Cairo in his time, but he was also active in civil society in law enforcement and the public treasury. He was a prolific author in the theoretical as well as the applied aspects of *fiqh*.

al-Khaṭīb al-Shirbīnī, Shams al-Dīn Muḥammad b. Aḥmad (d. 977/ 1570); Egypt; Shāfiʿī jurist and Ashʿarī theologian, *mufassir*, linguist. He was educated at al-Azhar and authored the celebrated *Mughnī* and the *Iqnaʿ* in Shāfiʿī *fiqh*. He related how he was moved to write the *Mughnī* as a result of performing an *istikhāra* in the presence of the Beloved at his *maqām* (may Allāh's peace and blessings be upon him!) after performing two *rakʿas* in the *Rawḍa*.

al-Kurdī, Muḥammad b. Sulaymān (d. 1194/1780); Damascus; Medina; Shāfiʿī jurist and Ashʿarī theologian, *muḥaddith*. The Muftī of the Shāfiʿīs in the Ḥijāz and the late *Muḥaqqiq* of the Shāfiʿī School.

al-Maḥallī, Jalāl al-Dīn Muḥammad b. Aḥmad (d. 864/1459); Cairo; Shāfiʿī jurist and Ashʿarī theologian, *mufassir*, *uṣūlī*, linguist. The author of the celebrated *Tafsīr Jalalayn* from *Sūra al-Baqara* to *al-Isrā'*, the rest having been completed later by Jalāl al-Dīn al-Suyūṭī. Other than *fiqhī* works, he also wrote, among others, treatises on *taṣawwuf*, Prophetic medicine, and a brief commentary on the *Burda*. His fame as an Arabic linguist was such that he was called "the Arab Taftāzānī", after the famous Arabist, al-Taftāzānī (d. 793/1390), who was a Persian.

al-Nawawī, Muḥyī al-Dīn Abū Zakariyyā Yaḥyā b. Sharaf (d. 676/1277); Damascus; Shāfiʿī jurist and Ashʿarī theologian, *muḥaddith*, *uṣūlī*, linguist, biographer. One of the four principal authorities of the Shāfiʿī School. Although a Shāfiʿī, almost all of his minor works have become bestsellers in any Muslim's household: his pocket Ḥadīth collection, the *Arbaʿīn*; his prayer book, the *Adhkār*; his handbook of *taṣawwuf*, the *Bustān*; and his guide to the Qurʾān, the *Tībyān*.

Nawawī al-Jāwī al-Bantanī, Abū ʿAbd al-Muʿṭī Muḥammad b. ʿUmar (d. 1316/1898); West Java, Cairo, Mecca; Shāfiʿī jurist and Ashʿarī theologian, *mufassir*, *muḥaddith*, linguist. His specialist knowledge of Shāfiʿī *fiqh* lent him the nickname of "the Javanese al-Nawawī". He was a prolific writer in the religious sciences and produced works ranging from a *tafsīr* to a *mawlid*. Almost all of his scholastic commentaries of classical texts in *fiqh*, *uṣūl al-dīn* and *taṣawwuf* have become standard textbooks in the *madrasas* of the Nusantara. He died in Mecca and was buried in the Maʿlā, next to the tomb of Khadīja (may Allah be well pleased with her!).

al-Qalyūbī, Shihāb al-Dīn Abū l-ʿAbbās Aḥmad b. Aḥmad (d. 1069/1659); Egpyt; Shāfiʿī jurist and Ashʿarī theologian, *muḥaddith*, logician, astronomer, physician, linguist, historian, man of letters. He had the reputation of making relevant the rational as well as the religious traditions. A student of the great Shāfiʿī jurist al-Ramlī, he went on to become one of the most respected Shāfiʿī authors, commenting on established works on the *Minhāj*, the *Fatḥ al-Qarīb* and the *Taḥrīr*. He was an experienced doctor, but also a famous practitioner in the occult sciences.

al-Rāghib al-Iṣfahānī, al-Ḥusayn b. Muḥammad (d. ca. 425/1033); Isfahan; *mufassir*, linguist, man of letters. He was a literary scholar who was not only proficient in Arabic but in Greek-derived literature as well. He wrote what is arguably the most important lexicon of the Qurʾān, the *Mufradāt*. Although his many works, especially on the Qurʾān, became famous after his death, he had kept a low profile as a scholar to the extent that later biographers were confused over his name. Al-Ghazālī rehabilitated him and built upon his accommodating synthesis between *ʿaql* and *naql*.

al-Ramlī, Shams al-Dīn Muḥammad b. Aḥmad (d. 1004/1596); Egypt; Shāfiʿī jurist and Ashʿarī theologian. His nickname being "the Minor Imām", he is one of the four principal authorities of the Shāfiʿī School. He was one of the most famous Muftī's of the Shāfiʿīs in Egypt and authored the *Nihāya*, one of two authoritative commentaries on al-Nawawī's *Minhāj*.

al-Shabrāmallisī, Nūr al-Dīn Abū al-Ḍiyāʾ ʿAlī b. ʿAlī (d. 1087/1676); Egypt; Shāfiʿī jurist and Ashʿarī theologian, *muḥaddith*, *uṣūlī*, *muqriʾ*, logician, historian. His vision was impaired at the age of 13 after he was afflicted with smallpox. Educated at al-Azhar, he went on to teach there and became a famous professor of that noble university.

al-Shāṭibī, Abū Isḥāq Ibrāhīm b. Mūsā (d. 790/1388); Granada; Mālikī jurist and Ashʿarī theologian, *mufassir*, *muḥaddith*, *uṣūlī*, linguist, man of letters. He was an important jurist and a brilliant legal theorist. He adapted Mālikī *fiqh* to the changing cultural context and social conditions of his time through the doctrine of *maṣlaḥa* and worked tirelessly for a practical synthesis between scripture and reason.

al-Shillī, Jamal al-Dīn Muḥammad b. Abū Bakr (d. 1093/1682); the Ḥadramawt, India and Mecca; Shāfiʿī jurist and Ashʿarī theologian, logician, mathematician, astronomer, linguist, historian. As a scholar at the *Ḥarām* of Mecca, he was famous not only for teaching Shāfiʿī *fiqh* but knowledge of *mīqāt*, *mujayyab* and other *falak sharʿī* subjects too.

al-Subkī, Taqī al-Dīn Abū l-Ḥasan ʿAlī b. ʿAbd al-Kāfī (d. 756/1355); Egypt, Syria and the Hijaz; Shāfiʿī jurist and Ashʿarī theologian, *mufassir*, *muḥaddith*, *uṣūlī*, logician, linguist. He became the Chief Qāḍī of Damascus in his time, the head of the Ashrafiyya College of Ḥadīth, and a popular *khaṭīb* at the Umayyad Mosque. He completed the magisterial *Majmūʿ* of al-Nawawī from *bāb al-ribā* to the end. Following in the footsteps of al-Ghazālī and, just like his predecessor, one of the most well-qualified religious scholars of Islam, he became a preeminent defender of the complementarity between the scriptural and rational sciences, as can be seen in his legal writings and fatwās.

al-Tarmasī, Muḥammad Maḥfūẓ b. ʿAbdullāh (d. 1338/1920); Java and Mecca; Shāfiʿī jurist and Ashʿarī theologian, *muḥaddith*, *uṣūlī*, *muqriʾ*. He was the successor to Sayyid al-Bakrī Shattā in Mecca, and through al-

Tarmasī Shāfiʿī *fiqh* continued to spread throughout the Nusantara islands.

al-Tibrīzī, Tāj al-Dīn Abū l-Ḥasan ʿAlī b. ʿAbdullāh (d. 746/1345); Azerbaijan, Baghdad, Cairo; Shāfiʿī jurist and Ashʿarī theologian, *mufassir*, *muḥaddith*, *uṣūlī*, mathematician. A Muftī by the age of 30, he taught at and then became the head of the Ḥusāmiyya College after his move to Cairo. He was well-known and respected for his expertise on both the religious and the rational sciences.

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